Letter from 167 Concerned Auction Experts on Medicare Competitive Bidding Program

21 October 2010

The Honorable Dave Camp
Ranking Member
Committee on Ways and Means
341 Cannon House Office Building
Washington, DC 20515

Dear Ranking Member Camp:

We are economists, computer scientists, and operation researchers with expertise in the theory and practice of auctions.¹ We write to express our concerns with the Medicare Competitive Bidding Program for Durable Medical Equipment operated by the U.S. Department of Health and Human Services. We believe that competitive bidding can be an effective method of controlling Medicare costs without sacrificing quality. However, the current auction program has flaws that need to be fixed before it can achieve the objectives of low cost and high quality.

We applaud your leadership in opposing the implementation of this flawed program and for insisting that the program be fixed. The flaws discussed below will lead to a “race to the bottom” fostering fraud and corruption, which is especially harmful to the millions of Medicare beneficiaries around the country. A program that pushes aside low-cost and high-quality providers cannot be tolerated.

Yesterday, 14 October 2010, CMS acknowledged problems with the Round 1 bidding results in their explanation for delaying the announcement of winners: “We wanted to provide an update on all the current information we have at this time concerning the announcement of the final list of the contract suppliers. In testing a new program integrity tool on the list of potential competitive bidding suppliers, a number of red flags were raised that require further examination before CMS announces the final list.” Unfortunately, while acknowledging the history of fraud under the program, CMS went on to announce: “We expect to move forward with the implementation of the program very soon, beginning with the announcement of the contract suppliers and continuing our aggressive education and outreach activities for beneficiaries and other stakeholders.” This haste to implement results that raised many red flags with respect to program integrity seems contrary to the public interest and common sense.

Four main problems

The first problem is that the auction rules violate a basic principle of auction design: bids must be binding commitments. In the Medicare auction, bidders are not bound by their bids. Any auction winner can decline to sign a supply contract following the auction. This undermines the credibility of bids, and encourages low-ball bids in which the supplier acquires at no cost the option to sign a supply contract.

The second problem is a flawed pricing rule. As is standard in multi-unit procurement auctions, bids are sorted from lowest to highest, and winners are selected, lowest bid first, until the cumulative supply quantity equals the estimated demand. What is odd is that rather than paying winners the clearing price

¹ The views expressed here are our own and do not represent the views of any organization. For additional information please contact Peter Cramton, University of Maryland, pcramton@gmail.com.
(the last-accepted bid), the auction pays winners the unweighted median among the winning bids. This is unique in our collective experience. The result is that fifty percent of the winning bidders are offered a contract price less than their bids. This median pricing rule further encourages low-ball bids, since a low bid guarantees winning, has a negligible effect on the price and gives the supplier a free option to sign a supply contract. Even if suppliers bid their true costs, up to one-half of the winning suppliers would reject the supply contract and the government would be left with insufficient supply. Others may accept the contract and cross-subsidize public patients with the revenue from private patients, or just take a loss. This pricing rule does not develop a sustainable competitive bidding process or healthy supplier pool.

The third problem arises from the use of composite bids, an average of a bidder’s bids across many products weighted by government estimated demand. This provides strong incentives to distort bids away from costs—the problem of bid skewing. Bidders bid low on products where the government overestimated demand and high on products where the government underestimated demand. As a result, prices for individual products are not closely related to costs. Bid skewing is especially problematic in this setting, since the divergence between costs and prices likely will result in selective fulfillment of customer orders. Orders for low-priced products are apt to go unfilled.

The fourth problem is a lack of transparency. It is unclear how quantities associated with each bidder are determined. These quantities are set in a non-transparent way in advance of the auction. Bids from the last auction event were taken in November 2009, and now more than ten months later, we still do not know who won contracts. Both quality standards and performance obligations are unclear. This lack of transparency is unacceptable in a government auction and is in sharp contrast to well-run government auctions such as the Federal Communications Commission spectrum auctions.

This collection of problems suggests that the program over time may degenerate into a “race to the bottom” in which suppliers become increasingly unreliable, product and service quality deteriorates, and supply shortages become common. Contract enforcement would become increasingly difficult and fraud and abuse would grow.

**Key features of a good auction design**

Competitive bidding techniques have improved dramatically over the past twenty years and especially in recent years. Complex auctions like the Medicare competitive bidding program can be designed to achieve the objectives of low cost and high quality with little implementation risk. Successful government auctions emphasize transparency, good price and assignment discovery, and strategic simplicity. The result is sustainable long-term competition among suppliers which reduces costs while maintaining quality.

We recommend that the government fix the flaws in the current auction program and develop a new design that emphasizes the key features of successful designs. Implementation of the current design will result in a failed government program. There is no need for a bad outcome. With state-of-the-art auction methods and careful implementation, the auction program can succeed in reducing costs while maintaining quality—a win-win for both taxpayers and Medicare beneficiaries.
Respectfully submitted,

[The following are economists, computer scientists, and operation researchers with expertise in the design of auctions and market mechanisms. Information on each of us, including our auction-related research, can be found with an Internet search of name and affiliation.]

Dilip Abreu  James Bushnell  Itay Fainmesser
Princeton University  Iowa State University  Brown University
Itai Ashlagi  Estelle Cantillon  Emel Filiz-Ozbay
MIT  Université Libre de Bruxelles  University of Maryland
Susan Athey  Andrew Caplin  Dan Friedman
Harvard University  New York University  University of California Santa Cruz
Lawrence M. Ausubel  Marco Celentani  Douglas Gale
University of Maryland  Universidad Carlos III  New York University
Chris Avery  Kalyan Chatterjee  Lawrence R. Glosten
Harvard University  Pennsylvania State University  Columbia University
Ian Ayres  Yeon-Koo Che  Theodore Groves
Yale University  Columbia University  University of California San Diego
Kerry Back  In-Koo Cho  Philip A. Haile
Rice University  University of Illinois  Yale University
Patrick L. Bajari  Peter Coles  Milton Harris
University of Minnesota  Harvard University  University of Chicago
Sandeep Baliga  Peter Cramton  Ronald M. Harstad
Northwestern University  University of Maryland  University of Missouri
Michael Ball  Vincent Crawford  Oliver Hart
University of Maryland  University of Oxford  Harvard University
David Baron  Jacques Cremer  Jason Hartline
Stanford University  Toulouse School of Economics  Northwestern University
Michael Baye  Robert Day  John Hatfield
Indiana University  University of Connecticut  Stanford University
Coleman Bazelion  Luciano I. de Castro  Donald Hausch
Brattle Group  Northwestern University  University of Wisconsin
Dirk Bergemann  Francesco Decarolis  Robert Hauswald
Yale University  University of Wisconsin  American University
Gary A. Biglaiser  George Deltas  Thomas W. Hazlett
University of North Carolina  University of Illinois  George Mason University
Sushil Bikhchandani  Peter DeMarzo  Kenneth Hendricks
UCLA  Stanford University  University of Wisconsin
Kenneth Binmore  Raymond J. Deneckere  Karla Hoffman
University College London  University of Wisconsin-Madison  George Mason University
Andreas Blume  Nicola Dimitri  William W. Hogan
University of Pittsburgh  University of Siena  Harvard University
Simon Board  David Dranove  Charles A. Holt
UCLA  Northwestern University  University of Virginia
Gary Bolton  Marc Dudey  Ali Hortacsu
Pennsylvania State University  Rice University  University of Chicago
Tilman Borgers  Gregory M. Duncan  Daniel Houser
University of Michigan  Brattle Group  George Mason University
Eric Budish  Jeffrey Ely  Nicole Immorlica
University of Chicago  Northwestern University  Northwestern University
Ilya Segal                Jaime Zender
Stanford University       University of Colorado
Yoav Shoham               
Stanford University       
Martin Shubik             
Yale University           
Matthew Shum              
California Institute of Technology
Andrzej Skrzypacz         
Stanford University       
Joel Sobel                
University of California San Diego
Tayfun Sonmez             
Boston College            
Richard Steinberg         
London School of Economics
Steven Stoft               
Global Energy Policy Center
Jeroen M. Swinkels        
Northwestern University   
Robert J. Thomas          
Cornell University        
Utku Unver                
Boston College            
Eric Van Damme            
Tilburg University        
Timonthy van Zandt        
INSEAD                    
S. Viswanathan            
Duke University           
Rakesh Vohra              
Northwestern University   
Michael Waldman           
Cornell University        
Mark Walker               
University of Arizona     
Ruqu Wang                 
Queen's University        
Steven R. Williams        
University of Illinois    
Bart Wilson               
Chapman University        
Robert Wilson             
Stanford University       
Catherine Wolfram         
University of California Berkeley
Dennis Yao                 
Harvard University        
Pai-Ling Yin              
MIT