

Justification for other than full and open competition
41 U.S.C 3304(a)(1) and FAR 6.300

(1) Identification of the agency and the contracting activity: Commodity Futures Trading Commission, Financial Management Branch.

(2) Nature and/or description of the action being approved. Expert analysis in support of potential litigation.

(3) A description of services required to meet the agency's needs (including the estimated value).

Under this purchase order, the contractor shall support the CFTC's DOE by developing computer code to identify potential spoofing. Specifically, the contractor shall convert existing SAS code to identify spoofing into the Python programming language and develop enhancements to the identification techniques and output.

The Division seeks to award this requirement to Charles Eason.

The estimated value of all tasks is \$24,000.00.

(4) An identification of the statutory authority permitting other than full and open competition. 41 U.S.C 3304(a)(1) - Use of noncompetitive procedures. FAR 6.302-1 - Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.

(5) A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited.

CFTC identified Charles Garrett Eason as the sole source available with the requisite expertise to complete this task. Mr. Eason previously served in the Forensic Economist Unit of the Division of Enforcement at the CFTC. In this role, Mr. Eason developed code to use CME Rapid data to identify potential spoofing. Through this work he gained expert-level knowledge of the Rapid data set. Mr. Eason used both the SAS and Python software and programming packages to conduct this spoofing analysis. He also reviewed and edited code developed by other analysts at the CFTC to identify spoofing. Mr. Eason developed enhancements to existing code that created new visualizations using Python that had not been used within the DOE before. Additionally, Mr. Eason developed new programs to access internal CFTC databases that were distributed and used by other analysts within the DOE.

This experience will allow Mr. Eason to perform this task with little or no training from CFTC staff. Other potential contractors with SAS and Python coding skills would have to undertake months of training to learn how to interpret the CME Rapid data sets and the internal CFTC code to identify spoofing. This experience can only be obtained through work conducted at the CFTC because the code and data sets utilized for this analysis are confidential and not available to the public. Mr. Eason has already obtained the experience in all of the required elements and was judged to have performed this work at an expert level by economists and investigators within the CFTC's DOE.

- (6) **A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable.** Other vendors were not solicited for this effort. This action is exempt from publicizing: 5.202(a)(14) - The proposed contract action is made under conditions described in 6.302-3 with respect to the services of an expert to support the Federal Government in any current or anticipated litigation or dispute.
- (7) **A determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable.** The Contracting Officer has determined the anticipated cost to the Government of the services covered by this J&A will be fair and reasonable. The Contracting Officer will ensure the labor rates proposed by the contractor fair and reasonable prior to award.
- (8) **A description of the market research conducted and the results or a statement of the reason market research was not conducted.** The Division considered their requirement as well as the marketplace and determined that Mr. Eason was the most qualified individual that could perform the analysis.
- (9) **Any other facts supporting the use of other than full and open competition.** Because of the specialized experience required for this analysis, full and open competition is not suitable for this contract action.
- (10) **A listing of the sources, if any, that expressed, in writing, an interest in the acquisition.** N/A
- (11) **A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required.** When possible, CFTC will make every effort to compete future expert analysis support contracts.

(12) Certification and approvals:

Contracting Officer Certification

I certify that the above justification is accurate and complete to the best of my knowledge and belief.

Benjamin Van Wormer
Contracting Officer