



US COMMODITY FUTURES TRADING COMMISSION

Three Lafayette Center
1155 21st St. N.W.
Washington, DC 20581

2/20/2013

Mr. Joe Jordan
Administrator
Office of Management and Budget
Office of Federal Procurement Policy
Washington, DC 20503

Subject: Service Contract Inventories

Dear Mr. Jordan:

Pursuant to Section 743 of Division C of the FY 2010 Consolidated Appropriations Act, P.L. 111-117, the Commodity Futures Trading Commission (CFTC) has completed the analysis and review of the agency Fiscal Year 2011 Service Contract Inventory to determine if the mix of Federal employees and contractors is effective or if rebalancing may be required.

As required, the agency focused the analysis on the following two (2) special interest functions that we identified to OMB by Product Service Code (PSC):

<u>PSC</u>	<u>PSC Description</u>
D302	ADP SYSTEMS DEVELOPMENT SERVICES
D307	AUTOMATED INFORMATION SYSTEM SVCS

The analysis, review and the write-up herein were completed and prepared in consultation with the agency's Chief Information Officer and reflect interviews and input from agency Contracting Officers and Contracting Officer Representatives (CORs). In conducting our analysis we carefully reviewed and considered OMB Memorandum M-09-26, dated July 29, 2009, Office of Federal Procurement Policy (OFPP) proposed policy letter "Work Reserved for Performance by Federal Government Employees" (75 Fed. Reg. 16188; March 31, 2010), the insourcing guidelines required under section 736 of the Financial Services and General Government Appropriations Act, 2009 (Public Law 111-8, division D) and all applicable internal agency guidance pertaining to this subject matter.

The analysis and review revealed that the support activities provided under the outlined special interest functions are neither inherently Governmental, nor are they personal services contracts as defined in FAR 37.104. Current safeguards in place for monitoring contractor services provide reasonable assurance that work does not become inherently governmental during contract performance.

In addition, the analysis and review revealed that the CFTC is not utilizing contractor services to perform agency critical functions in such a way that could affect the ability of the agency to maintain control of its mission and operations. Lastly, the analysis revealed that the agency is increasingly relying on contract resources to support its expanded mission as a result of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub.L. 111-203, H.R. 4173) which was enacted in July 2010. The agency faces a number of challenges to effectively manage and oversee contract performance to ensure we remain in compliance with all guidelines and laws regarding the subject matter.

Following is a summary of our review by PSC:

For both PSCs D302 and D307, ODT contractor employees are used to provide IT systems development and services support based on specialized technical skills that are not performed by ODT staff; but instead, monitored by our staff project managers. CFTC awarded approximately \$10.2m under PSC D307. CFTC reviewed Task Order MO-062IT033-5 which accounts for approximately 94.5% of the obligated dollars under PSC D307. The task order is for information technology services required to enhance existing systems and develop new systems to meet required deadlines as a result of Dodd-Frank initiatives.

Of the approximately \$10.3m obligated under PSC D302, over 60% of the dollars were awarded under Blanket Purchase Agreement (BPA) CFIT-08-BP-0080. The BPA provides CFTC the ability to adjust to surges in workload required to enhance existing infrastructure requirements as it relates to security, telecommunications, and equipment that are needed as a part of the implementation of new initiatives.

For all the awards issued under PSC D302 and D307, ODT project managers track contractor performances via project milestones, project reviews and performance monitoring. All contract support is assigned an ODT project manager to manage and oversee various tasks within a contract, which ensures that ODT is maintaining control of missions and operations. ODT was able to hire six (6) government staff members in FY2011 some of which are involved in the monitoring of contractor performance. Furthermore, ODT continues to invest in maturing the Project Management Lifecycle (PMLC), training federal and contractor staff on effectively using the PMLC, continually improving PMLC processes and templates, and improving the integration of the PMLC with IT governance processes such as Capital Planning and Investment Control (CPIC).

In summary, the CFTC expanded its use of contractor resources, in particular services provided under the special interest functions noted in our FY2011 Service Contract Inventory to support agency staff in the Information Technology area. CFTC can provide reasonable assurance that it complies with laws and regulations governing contract resource use and is committed to undertaking the action necessary to reduce risks in delivery of Information Technology contract services.

Please do not hesitate to reach out to me regarding the agency FY2011 Service Contract Inventory and analysis. I can be reached at (202) 418-5192.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Grossman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Steven Grossman
Senior Procurement Executive



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3/28/2013

Planned Analysis of FY 2012 Inventory

I. Background

Pursuant to Section 743(f) of Division C of the Fiscal Year (FY) 2010 Consolidated Appropriations Act, P.L. 111-117, the following planned analysis of the Commodity Futures Trading Commission (CFTC) FY 2012 Service Contract Inventory is provided. Per the December 2011 guidance issued by the Office of Federal Procurement Policy (OFPP), each agency shall also submit to OFPP a planned analysis identifying which special interest functions in its FY 2012 inventory will be evaluated for analysis in FY 2013.

II. Special Interest Functions for Evaluation

Based on Section B.2 of OFPP's December 2011 guidance, the Commission shall submit a planned analysis identifying which special interest functions in its FY 2012 inventory will be evaluated for analysis.

The two (2) special interest functions displayed in the table below were selected for analysis based on the critical nature of the function.

Special Interest Function Code	Description of Function	Dollars Obligated in FY 2012
D307	IT AND TELECOM- IT STRATEGY AND ARCHITECTURE	\$15,938,201.92
D302	IT AND TELECOM- SYSTEMS DEVELOPMENT	\$10,320,077.13

III. Rationale for Function Code Selected

Function codes D307 and D302 accounted for the largest portion of total obligations for the CFTC in FY 2012. Both codes were included in the FY 2011 analysis and the CFTC has selected these codes again for analysis because of the increasing reliance on contractors to perform services in these areas as well as the associated risk for inherently governmental work to be performed by contractors in these areas. The agency has undertaken measures and continues to be committed to reducing the risks in these areas. Further analysis is warranted as we continue to work towards mitigating the risk in these areas.