

Limited-Sources Justification

DEPARTMENT OF ENERGY

OFFICE OF MANAGEMENT

1. Identification of the agency and the contracting activity

The Department of Energy (DOE), Office of Management (MA), plans to award a sole source. DOE Headquarters Procurement Services (MA-64) will execute this actions. This document sets forth the justification and approval for the use of the exception to full and open competition FAR Subpart 8.405-6(a)(1)(i)(B), Only one source is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized. The contract will be awarded under the authority of General Services Administration (GSA) Multiple- Award Schedule (MAS).

2. Nature and/or description of the action being approved.

This justification authorizes and approves the sole source, fixed price award to Potomac Wave for a 12 month subscription with 4- 12 month option periods for their contractor responsibility tool. This award as a result of the outstanding reviews from a 4 month trial. As detailed below market research was conducted on other vendors and agencies that had the ability to provide the same product, but none adequately would meet the needs of the Department.

3. Description of the supplies or services required to meet the agency's needs

The Office of Management, Systems Division is seeking a solution that supports and expedites the collection of data from multiple systems to help ascertain and determine a prospective contractor's responsibility.

According FAR 9.103(a) purchases shall be made from, and contracts shall be awarded to, responsible prospective contractors only. Contracting officials need to check a Vendor's System of Award Management (SAM) record to determine responsibility. A vendor's SAM record will show:

- Any existing debarment records
- Any existing debt subject to offset records

Contained in the representations and certifications section of a vendor's SAM record are the vendor's responses to FAR 52.209-5 and FAR 52.209-11. These responses determine if:

- The Offeror represents that it is a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.
- The Offeror represents that it is a corporation that was convicted of a felony criminal violation under a Federal law within the preceding 24 months.
- The Offeror certifies, to the best of its knowledge and belief, that they are presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency.
- The Offeror certifies, to the best of its knowledge and belief, that they have, within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) contract or subcontract; violation of Federal or State antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property.
- The Offeror certifies, to the best of its knowledge and belief, that they are presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in paragraph (a)(1)(i)(B) of this provision.
- The Offeror certifies, to the best of its knowledge and belief, that they have, within a three-year period preceding this offer, been notified of any delinquent Federal taxes in an amount that exceeds \$3,500 for which the liability remains unsatisfied.
- The Offeror has, within a three-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.


To manually confirm a vendor's responsibility, as it relates to their SAM record, a Federal contracting official must:

- Got to <https://www.sam.gov>
- Click on Search Records
- Enter a vendor DUNS Number
- Click on Search
- Document the status for debarment and debt subject to offset by taking a screenshot or by saving the page as a PDF or by taking a screenshot
- Click View Details on the vendor's record
- Click Reqs & Certs
- Scroll down and click on FAR 52.209-5 Certification Regarding Responsibility Matters to expand that section and view all responses
- Scroll down and click on FAR 52.209-11: Representation by Corporations Regarding Delinquent Tax Liability or a Felony Conviction under any Federal Law to expand that section and view all responses

- Document this information by clicking on the hyperlink “FAR Report” at the top of the page to download the Reps and Certs sections as a PDF
- Save the PDF

Contracting officials must confirm if a vendor has had any past awards terminated for cause or default. This information can be found in the Federal Awardee Performance and Integrity Information System (FAPPIIS). To manually confirm if a vendor has had any past awards terminated for cause or default a Federal contracting official must:

- Go to <https://www.fapiis.gov>
- Enter a vendor DUNS Number
- Click on Search
- If a vendor FAPIIS record displays a count higher than zero additional clicks are required to expand to see record details
- Document the vendor FAPIIS record by taking a screenshot or by selecting print and save the page as a PDF



Task	Time
Check for exclusions – Take a screenshot	5 minutes
Check for tax issues – Take a screenshot	10 minutes
Download the “Reps and Certs”	5 minutes
Check FAPIIS for terminations for cause or default	10 minutes
Organizing the documentation	10 minutes
Total Time	40 minutes

It takes a contracting official up to 60 minutes to complete this manual process per contractor.

The solution we are seeking will minimally provide a clear and concise report that provides all of the pertinent elements and information according to FAR 9.103 from the aforementioned systems. The solution will provide users access to data without having to download their software or interface their solution with our network. The solution will allow for one or multiple request to be retrieved. The solution will also cut down time by over 90 percent.

4. Authority and supporting rationale (see [8.405-6\(a\)\(1\)\(i\)](#) and [\(b\)\(1\)](#)) and, if applicable, a demonstration of the proposed contractor’s unique qualifications to provide the required supply or service.

This justification is executed under the authority of the Multiple-Award Schedule Program, specifically the authority granted by [8.405-6\(a\)\(1\)\(i\)\(B\)](#), Only one source is capable of providing

the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized. Potomac Wave provides a solution that is non-invasive to our infrastructure and does not require us to configure the solution to our specifications.

5. A determination by the ordering activity contracting officer that the order represents the best value consistent with [8.404\(d\)](#).

6. A description of the market research conducted among schedule holders and the results or a statement of the reason market research was not conducted.

In late 2019, MA-623 conducted market research to ascertain what processes could potentially be automated. One of the initiatives unearthed as a result of the study was contractor responsibility. Two companies and one agency had viable options. The Department of Army was in the process of developing a Determination of Responsibility Assistant (DORA) bot using Automation Anywhere software to pull information from two public websites: the System for Award Management (SAM) and the Federal Awardee Performance and Integrity Information System (FAPIS). Army created the DORA system, but wasn't ready for implementation outside of the agency. Therefore, using their system was not an option. The two contractors were Eagle Consulting and Potomac Wave. Eagle Technologies Incorporated (Eagle) was the contractor that helped develop Army's DORA system. Eagle provides the expertise to assist the agency in creating the contractor responsibility bot, but it requires the agency to have a robotic processing platform such as UI path, Automation Anywhere, or Blue Prism, Currently, DOE does not have that functionality. The other solution was provided by Potomacwave Consulting, Inc.. Potomacwave provided the agency the ability to utilize a contractor responsibility solution that was almost equal to the product that Army built without development costs and interfacing with our systems. The cost to utilize Army's system were unrealized. The cost for Potomacwaves' contractor responsibility assessment tool is \$180,000 for a one-year subscription for the base and option years, which if all options are exercised . The subscription can be put in place immediately without a learning curve or needing to host the software on the DOE network. The cost savings realized from utilizing this solution is upwards of 4,800 man-hours.

7. Other facts supporting the justification

N/A

8. A statement of the actions, if any, the agency may take to remove or overcome any barriers that led to the restricted consideration before any subsequent acquisition for the supplies or services is made.

Currently, the Department does not have any of the robotic processing automation software in place to potentially defer the costs of paying for this solution and creating their own.

However, they are in the process of securing a solution. It is anticipated that Army's solution will be available for use in the near future. DOE will continue to leverage its relationships with other Agencies to keep abreast of emerging solutions.

9. This is to certify that the justification for the proposed acquisition has been reviewed and that to the best of my knowledge and belief the information and/or data provided to support the rationale and recommendation for approval is accurate and complete

CONTRACTING OFFICER