

SWORN TECHNICAL CAPABILITIES & PROCUREMENT MODERNIZATION STATEMENT

(CMS – COTS, Title 41, Market Research, OMB OFPP, Zero Trust, Cost Efficiency)

Docket: CMS-2025-1891

Agency: Centers for Medicare & Medicaid Services (CMS)

Submitted by:

James H. Poole

CEO, Founder & Executive Chairman

Obelisk Tech Systems Inc.

CAGE Code: 9S0L8

Thomasville, Georgia

SECTION 1: DECLARATION UNDER PENALTY OF PERJURY

I, James H. Poole, declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the statements contained herein regarding commercial technical capabilities, compliance automation systems, and procurement pathways are true and correct to the best of my knowledge and professional experience.

This submission is entered into the administrative record pursuant to:

- 41 U.S.C. Chapter 33
- FAR Parts 6, 10, and 19

- 15 U.S.C. §637
- Executive Order 12866
- OMB Circular A-4

SECTION 2: TITLE 41 – COTS PRIORITIZATION REQUIREMENT

Federal procurement law prioritizes Commercially Available Off-The-Shelf (COTS) solutions before creating bespoke federal-unique compliance structures.

41 U.S.C. Chapter 33 and the Federal Acquisition Streamlining Act direct agencies to:

- Conduct market research (FAR 10.002)
- Evaluate commercial availability
- Avoid unnecessary custom development
- Reduce acquisition lead time and cost

The administrative record does not demonstrate that CMS:

- Conducted documented market research
- Evaluated commercial compliance automation systems
- Compared federal-unique reporting models to COTS automation
- Modeled cost differentials

Failure to evaluate commercial availability before imposing regulatory compliance burden creates procurement inefficiency risk.

SECTION 3: OMB OFFICE OF FEDERAL PROCUREMENT POLICY (OFPP)

Under 41 U.S.C. §1702, OMB OFPP provides government-wide procurement oversight.

If commercially available compliance automation exists capable of reducing CMS regulatory burden by 20–40% (or more), OFPP review is appropriate to ensure:

- Cost efficiency
- Avoidance of duplicative development
- Prevention of vendor lock-in
- Small business inclusion

REQUEST:

CMS shall confirm whether OFPP was consulted regarding:

- Commercial compliance automation options
- Small business participation
- COTS modernization pathways

SECTION 4: SMALL BUSINESS SET-ASIDE ANALYSIS (FAR 19.502-2)

When two or more responsible small businesses can perform work at fair market price, agencies must consider set-aside.

CMS shall confirm whether:

- Market research identified small technology vendors
- Compliance modernization could qualify for small business set-aside
- SBA Office of Advocacy was consulted

Failure to consider small business modernization alternatives may violate FAR Part 19 and 15 U.S.C. §637.

SECTION 5: ZERO TRUST & CYBER MODERNIZATION (EO 14028)

CMS manages high-value federal data and must comply with:

- Executive Order 14028
- OMB M-22-09
- Zero Trust Architecture mandates

If regulatory compliance systems:

- Increase manual data handling
- Increase attack surface
- Fail to leverage automation

Then modernization through commercial secure architectures becomes not only economical — but security-relevant.

REQUEST:

CMS CIO provide written confirmation that modernization alternatives were evaluated against:

- Zero Trust maturity standards
- Cybersecurity performance goals
- Supply chain security requirements

SECTION 6: COST EFFICIENCY & ANTIDEFICIENCY IMPLICATIONS

Under 31 U.S.C. §1341 (Antideficiency Act), agencies may not obligate funds inefficiently where lower-cost lawful alternatives exist.

If CMS knowingly selects higher-cost compliance pathways when commercially available automation reduces burden by 20–40% (or more), financial efficiency obligations require documentation.

REQUEST:

CMS CFO provide written explanation under:

- 31 U.S.C. §902 (CFO Act)
- OMB Circular A-123 (Internal Controls)

Confirming cost comparison analysis was conducted.

SECTION 7: REQUESTED DETERMINATIONS

Within 90 days, CMS shall provide written determinations on:

1. Was market research conducted under FAR 10.002?
2. Were COTS compliance automation systems evaluated?
3. Was SBA consulted regarding small business alternatives?
4. Was OFPP consulted regarding modernization pathways?
5. Was cost comparison modeling performed?
6. Did CIO evaluate zero trust alignment?

Each response requires written explanation pursuant to 5 U.S.C. §555(e).

SECTION 8: SIGNATURE AND OATH

I declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing is true and correct to the best of my knowledge and professional experience.

Executed on: 02/20/2026, 2026

James H. Poole 
CEO, Founder & Executive Chairman
Obelisk Tech Systems Inc.
CAGE Code: 9S0L8
Thomasville, Georgia