

Sole Source Justification (SSJ)

Test Program for Certain Commercial items for procurements exceeding the Simplified Acquisition Threshold (> \$150,000) pursuant to FAR Subpart 13.5, including Brand Name

Date: September 21, 2018

PR Number: 192118EROLESA0053

Pursuant to the requirements under the authority of 41 U.S.C. 1901 as implemented by Federal Acquisition Regulation (FAR) Subpart 13.501 and consistent with the content requirements of FAR 6.303-2.

1. Agency and Contracting Activity. Identification of the agency and the contracting activity, and specific identification of the document as a "sole source justification."

The Department of Homeland Security, Immigration and Customs Enforcement (ICE), Office of Acquisition Management (OAQ) intends to award a sole source Purchase Order on behalf of Enforcement and Removal Operations (ERO), Law Enforcement Systems and Analysis (LESA).

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

ICE intends to award a sole source, firm-fixed-price (FFP) contract to the International Justice and Public Safety Network, also known as the National Law Enforcement Telecommunications System (Nlets). The work will take place at Nlets offices in Phoenix, AZ and Louisville, KY. The purpose of this new contract is to create a standardized list of Crime Codes that can be included in communications between Law Enforcement Agencies (LEAs) and to ensure each LEA has the capability to support eXtensible Markup Language (XML) Version 4.1, which is required in order to host the new standardized Crime Codes.

3. Description of Supplies/Services. Describe the supplies or services to be acquired. Provide the estimated total value (including options, if any).

ICE's Enforcement & Removal Operations (ERO) office has a requirement for law enforcement systems analysis services, to include crime code matching services that involve pulling criminal history information (known as "rap sheets") from various different states' databases and standardizing the information into one database. The contractor shall work with each state to validate all crime codes and then determine the programming and tools needed to standardize the information into a national database. Additionally, the contractor shall work with some of these states (up to 11) to modify their individual databases to ensure that their systems' technology is modernized and brought up to the current standards required to be able to transfer their data successfully to the nationwide database. The work performed under this contract will help ICE (and other national and state law enforcement offices) conduct criminal history information searches faster and with greater accuracy. This requirement directly supports the overall missions of ICE and ERO to identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts.

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This project builds on previous Purchase Orders - Criminal Alien Identification Initiative (CAII) Nlets Criminal History Parser Modification Project (HSCETC-13-P-00030) and the Law Enforcement Notification System Enhancement Project (HSCER-17-P-00009).

The anticipated cost of this requirement is \$3,861,000.00. The total period of performance will consist of one (1) one-year base period and four (4) one-year option periods. The following is a breakdown of these costs:

	Period of Performance	Estimated Price
Base Period	September 29, 2018 – September 28, 2019	\$748,000.00
Option Period I	September 29, 2019 – September 28, 2020	\$778,250.00
Option Period II	September 29, 2020 – September 28, 2021	\$778,250.00
Option Period III	September 29, 2021 – September 28, 2022	\$778,250.00
Option Period IV	September 29, 2022 – September 28, 2023	\$778,250.00
	Total	\$3,861,000.00

4. Identification of the authority.

This action is being taken under the authority of 41 U.S.C. 1901 and on a sole source basis in accordance with 41 USC 253(c)(1) as implemented by FAR 6.302-1, Only One Responsible Source And No Other Supplies or Services Will Satisfy Agency Requirements.

5. Demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited.

Nlets has been leading efforts for several years to work within state repositories to accept and return the rap sheets conforming to the Interstate Criminal History Transmission Standardized Criminal History Rapsheet specification and to natively provide crime code mapping in all rap sheets. As such, Nlets has already laid the groundwork for this effort within their proprietary system. Further, Nlets will not allow a third party to make changes to their proprietary system. Changes to the system can only be done by Nlets themselves.

In order to use an alternate source, ICE would have to procure new software and services, and provide training to all personnel responsible for using the current software. Using an alternate source would interrupt the current effort, disrupt ongoing efforts from previous agreements, and require a duplication of effort as the new vendor recreated processes already developed by Nlets.

6. Description of efforts made to ensure that offers are solicited from as many potential sources as is practicable.

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On September 4, 2018, a "Notice of Intent to Sole Source" was posted to the Government Point of Entry. The posting laid out the details of the requirement. It also explained that the current requirement cannot be completed without the ability to modify the Nlets system.

The notice explicitly stated that it was not a request for competitive offers, however it encouraged any interested firm to submit a capabilities statement. No vendor submitted a capabilities statement in response to the notice.

7. Determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable. (Use information such as commercial pricelists or prior acquisition history that will help the Contracting Officer determine the anticipated cost is fair and reasonable or discuss the application of any of the techniques described at FAR 13.106-3(a)(2) and/or 13.106-3(b)(3)).

The government has determined that the anticipated cost to the Government will be fair and reasonable based on a comparison of proposed prices to the Independent Government Cost Estimate (IGCE) as well as a comparison to prices obtained through market research for the same or similar items.

The ICE program office developed an IGCE based off the labor positions expected to fulfill the requirement, as well as labor rates that are in line with rates ICE has paid for the same positions on other agreements of a similar breadth and size. The IGCE anticipated the cost of the effort to be \$3,859,200.00. The price offered by Nlets is \$3,861,000.00, or just .046% above the IGCE.

The price offered by Nlets was compared to other previous agreements between Nlets and Federal Agencies. Under agreement HSHQDC-10-C-00082 between Nlets and the Department of Homeland Security, \$1,150,407.00 was obligated for a 24-month period of performance. According to the Statement of Work, the agreement was intended to provide Nlets with the funds necessary to make improvements to their proprietary system, which would in turn "enhance the capabilities of law enforcement and public safety agencies." This is similar to the scope of the current requirement. The rates from the previous order were offered almost nine years ago and the rates offered by Nlets for the current agreement are generally in line with those rates previously offered.

8. Description of market research.

Market Research was conducted to see if other vendors can provide the requested services, including the notice of intent to sole source, It has been determined that to award to anew vendor would require the replacement of all current related systems in place, which is not feasible as it would cause unnefcessary harm to the Government's mission and purpose. This would also substantially increase costs requiring and substantial amount of re-work to take place.

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9. Any other facts supporting the justification.

N/A.

10. A listing of the sources, if any that expressed, in writing, an interest in the acquisition.

None.

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 supplies or services required.

The government will monitor the marketplace for possible substitute services. If a similar service is found that could satisfy this need at a better value to the government, the requirement will be re-solicited in the future.

12. DHS intends to post the requirement pursuant to FAR 13.501(a)(1)(iii) and 6.305(a).

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13. Technical/Requirements Personnel Certification. I certify this requirement meets the Government's minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

DIANE S DEVENDORF Digitally signed by DIANE S DEVENDORF
Date: 2018.09.21 15:10:49 -04'00' _____
Technical Representative/COR Date

14. Contracting Officer Certification and Approval

BENJAMIN T SHIH Digitally signed by BENJAMIN T
SHIH
Date: 2018.09.21 15:20:14 -04'00' _____
Contracting Officer Date

15. Approval:

 24 September 2018
Sarah Todd Date
Competition Advocate