

**DEPARTMENT OF HOMELAND SECURITY  
U.S. CUSTOMS AND BORDER PROTECTION  
JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION**

1. The requiring agency for this action is U.S. Department of Homeland Security, U.S. Customs and Border Protection (CBP) through its Procurement Directorate.

This justification restricts award to Aardvark, La Verne, CA, the only authorized distributor of brand-name products manufactured by TASER International.

2. Nature of the action being approved:

The proposed procurement is to purchase Electronic Control Devices (ECDs) manufactured by TASER, International (TASER) for CBP officers and agents. The purchase will be made from Aardvark, La Verne, CA. Aardvark has an exclusivity arrangement with TASER as the only authorized distributor of TASER ECDs to the federal Government (see attached agreement).

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

CBP intends to purchase the TASER X2 and Taser X26P ECDs, with shaped pulse and charge metering technology. In addition, specific holsters, cartridges, batteries, training suits, training simulators, download kits and extended warranties will be ordered to accommodate the deployment of the aforementioned ECDs. The proposed contract will allow for an orderly flow of equipment to all CBP Border Patrol and Field Operations stations and will minimize inventory and logistic issues.

Quantity per year (Includes Base and Options):

Note: Attachment 1 to this justification is the Independent Government Estimate which is based on current GSA pricing which is used in the price estimate below.

Item	10 Year Total	GSA Price	Total
TASER X2	10,573	\$999.95	\$10,572,471.35
SMART BLUE	266,693	\$29.75	\$7,934,116.75
SMART GREEN	266,693	\$30.75	\$8,200,809.75
SMART YELLOW	133,346	\$28.75	\$3,833,726.25
SMART CLEAR SIM	21,147	\$41.75	\$882,887.25
X2 HOLSTER RIGHT	9,516	\$63.95	\$608,676.10
X2 HOLSTER LEFT	1,057	\$63.95	\$67,659.10
TPPM	12,159	\$52.95	\$643,872.00
TASER X26P	3,796	\$873.85	\$3,080,321.25
BLUE	234,927	\$22.95	\$4,092,145.65
GREEN	117,464	\$26.55	\$2,367,012.15
YELLOW	117,464	\$21.55	\$1,921,247.15
X26P HOLSTER RT	3,416	\$51.75	\$164,202.75

Item	10 Year Total	GSA Price	Total
X26P HOLSTER LT	380	\$51.75	\$15,059.50
XPPM	4,365	\$61.95	\$251,021.40
SUITS	330	\$550.00	\$165,000.00
DATA KIT	1,265	\$159.95	\$187,781.30
XDPM (X26E BATT)	5,873	\$40.75	\$181,622.75
TASER TRAINING	11	\$18,135.11	\$199,486.21
GRAND TOTAL			\$45,369,118.66

Totals by Year:

Base Period	\$3,356,348.50
Option Year 1	\$3,872,324.50
Option Year 2	\$4,646,000.80
Option Year 3	\$5,150,137.42
Option Year 4	\$5,694,999.05
Option Year 5	\$4,977,434.60
Option Year 6	\$4,763,436.12
Option Year 7	\$4,460,502.80
Option Year 8	\$4,308,382.90
Option Year 9	\$4,139,551.97

This total estimated price accounts for the replacement of more than 6,500 TASER X26E ECDs over the life of the 10-year contract.

4. Identification of the Statutory Authority permitting Other Than Full and Open Competition:

This justification supports the use of Other Than Full and Open Competition under the authority of 41 U.S.C. § 3304(a)(1), as implemented by FAR 6.302-1, where only one responsible source and no other supplies will satisfy agency requirements.

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

CBP officers and agents need the capability to control non-compliant subjects without relying solely on pain compliance techniques and devices. The current standard-issue collapsible straight baton and Oleo-resin Capsicum ("OC" or "pepper") spray utilize pain to gain subject control. These devices have proven effective, but there is approximately 10-15% of the population that does not respond or react to pain compliance. These subjects need a different type of stimulus to submit to law enforcement's lawful commands. ECDs are capable of delivering an electric current that affects not only the sensory nerves, (the nerves that communicate pain to the brain), but also the motor nerves. The motor nerves, when hyper-stimulated, stop a person's actions immediately and incapacitate the subject for the duration of the exposure. Two companies currently make ECDs that have this incapacitating capability –TASER and Phazzer Electronics (Phazzer). After analyzing threats routinely faced by CBP officers and agents in the field and past uses of ECDs, CBP use-of-force experts determined that CBP requires a device with laser aiming for both probes being deployed and immediate follow-up shot capability.

CBP officers and agents need, for their safety and that of others in the immediate area, an ECD that provides the officer/agent with the greatest opportunity to consistently and accurately create neuromuscular incapacitation in the subject. Additionally, CBP requires an ECD with a deployment range of at least 20 feet in order to be farther away from the subject. CBP has determined that a distance of 20 to 25 feet is the minimum amount of space required for an officer to safely react to threats of bodily harm by edged or impact weapons, such as rocks. This longer range of deployment allows CBP officers and agents to defend against subjects throwing rocks and other assaultive objects, a threat routinely encountered by officers/agents in the field. Officers must be able to utilize the ECD while maintaining an adequate reactionary distance. The risk of death or bodily injury to both the officer and the subject is increased if officers are required to reduce the distance in order to deploy the ECD.

Although the CBP-issued ECD (TASER X26E) has performed as expected in most cases, CBP has experienced uses of the ECD that did not result in neuromuscular incapacitation of the subject. In a majority of all CBP-documented failures of the ECD to result in neuromuscular incapacitation, the cause was determined to be the inability to connect with both of the active probes fired by the ECD. CBP seeks to alleviate this highly-problematic issue by upgrading CBP-issued ECD to the available capabilities of a dual-bay ECD. The updated CBP requirements are for a device that provides laser aiming for both of the deploying probes. This aiming mechanism presents instant visual feedback to the operator, mitigating the need for calculations of distance and probe spread. In addition, CBP requires the provision of immediate follow-up shot capability, multiplying the officer's chances of making contact with at least two probes.

Only TASER manufactures ECDs with dual laser aiming. Additionally, only TASER manufactures an ECD with a 25-foot deployment range, which, as discussed above, is critical to CBP's operational need of being farther away from a subject. During CBP's initial testing of TASER and Phazzer ECDs, the TASER ECDs performed with an average cartridge failure rate of 1.8%, while the Phazzer ECD experienced a cartridge failure rate of more than 13.34%, an unacceptably high rate for CBP's law-enforcement needs. Due to demonstrated reliability, as well as dual laser and 25-foot deployment range capabilities, only TASER ECDs fulfill CBP's unique law enforcement needs.

TASER produces four different models of ECDs. The TASER C2 is marketed to the civilian population for personal protection. The C2's purpose is to allow a civilian to escape from a potential attacker. The C2's exposure duration is 20 seconds. The civilian is supposed to drop the C2 immediately following deployment and escape from the scene. This obviously is not the intent of CBP law enforcement personnel, and therefore the TASER C2 is not desirable. TASER also produces three ECD models for law enforcement personnel. The Taser X26E is the ECD currently issued to CBP officers and agents; Taser has announced discontinuation of the X26E after December 31, 2014 as all X26 production lines will be transitioned over to produce the Taser X26P. The TASER model X2 and X26P are the models desired for CBP use.

Both models utilize a digital power magazine that houses three 3V lithium cells as the power source. The newer X2 and X26P utilize shaped pulse technology and charge metering to deliver a consistent electric charge output to the subject, increasing the likelihood of neuromuscular incapacitation. The first part of the shaped pulse, called the arc phase, ionizes the air, between the probe and the subject. This allows the second phase (stimulation) to enter the subject unimpeded. This shaped pulse technology delivers fewer volts to the subject while still incapacitating the subject. The charge metering system measures the output of every pulse, maintaining a constant output of micro-coulombs to the receiving subject, regardless of direct skin contact or arc contact with the skin. Both the TASER X2 and X26P also provide a deployment distance of 25 feet. This is a capability not found on the Phazzer Enforcer (or any other system). At this time Aardvark Tactical Inc., 1002 W. Tenth Street, Azusa, CA 91702 is designated as the sole authorized distributor to the Government of TASER products (See Sole Source Letter – Attachment 2). Due to the justification provided herein, the TASER X2 and X26P are the only ECDs on the market that satisfy CBP's law enforcement needs.

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

Extensive research was conducted by CBP's Use of Force Policy Division (UFPD) pertaining to ECDs. This market research revealed that TASER is the industry leader in Neuro-Muscular Incapacitation (NMI).

This research includes extensive reviews of products at trade shows and Internet searches, as well as a posting to FEDBIZOPPS (for the previous effort which resulted in contract HSBP1109D02347). Only one other company in the US has a product that delivers NMI similar to the TASER X2 and X26P. That company, Phazzer, does not manufacture an ECD that meets CBP's operational needs of dual targeting, dual laser, and lengthy deployment distance capabilities. Human Effects Studies have not been performed on the Phazzer Enforcer, which limits government decisions as to potential awards for this technology. Additionally, in initial testing by CBP, the Phazzer Enforcer ECD had an unacceptably high failure rate for law-enforcement purposes, as described above.

Additionally, a "sources sought" Request for Information (RFI) was issued on 24 March 2014 (through 9 April 2014), and no other vendors provided responses that would deem them acceptable (or even available for consideration) for this effort.

7. A determination that the anticipated cost to the Government will be fair and reasonable.

Pricing will be determined fair and reasonable through negotiation of price by using the existing GSA schedule pricing as a baseline. The Contracting Officer expects the supplier to provide price discounts based on the volume being procured (which is significant). TASER's pricing through GSA is significantly better (across the spectrum of items being procured under this justification) than their open market prices. During the previous contract effort (HSBP1109D02347), the Government was able to achieve a pricing structure that was better than that eventually incorporated into the GSA pricing tables, as well as receipt of advanced supplies (at no cost) and an extended warranty period.

8. Describe the market research that was conducted and the results:

Market research was conducted via the Internet, with vendors, and with specific CBP/UFPD personnel and civilian and military contacts that have intimate training and handling experience in the aforementioned product. The research conducted with specific CBP/UFPD personnel, civilian and military contacts was accomplished via telephone calls, personal contact visits, and through trade shows or range demonstrations.

Results of the research conducted by CBP/UFPD show that TASER has supplier viability, device reliability and effectiveness, and the only products that fully meet CBP's operational needs. Additionally, extensive market research has confirmed that only TASER provides a model with the dual bay (multi-shot), dual lasers, pulse shaped, and charge metering capability, desired by the Government to improve mission efficacy and provide for greater law enforcement personnel safety. Prior to TASER's technology, previous versions of ECDs relied solely on the device's ability to affect the sensory nervous system. The sensory nervous system resides primarily near the surface of the body and deals primarily with the body's senses. In the case of previous ECDs, the sensory nervous system alerted the body to the pain the device delivered to the human body, but did little to cease a subject's actions. With the Taser X2 and X26P, the primary effects are to the body's motor nervous system, causing immediate subject incapacitation.

As stated earlier in this justification, a full RFI has been issued to ensure that any sources for a similar device could be located. No additional sources were found as a result of this publication.

9. Describe any other facts supporting the use of other than full and open competition:

As stated earlier, Aardvark Tactical is the only authorized distributor of TASER ECDs to the Government. Aardvark has demonstrated that for this equipment (as well as other items procured by this office), they are a responsible company that is able to meet the schedule requirements for this equipment.

10. List sources, if any, that expressed an interest in the acquisition:

The items have been synopsisized in FEDBIZOPPS under a special notice and no responses were received. The GSA schedule also shows no other sources of similar equipment.

11. Actions that will be taken to remove or overcome any barriers before any subsequent acquisitions:

CBP/UFPD continues to review ECD technology on a regular basis to analyze any changes or new products as they become available on the market to determine whether such products can meet CBP's unique law-enforcement needs. This is an on-going process with the goal of ensuring that all equipment utilized by CBP officers and agents is capable of withstanding the rigors of the unique environment in which our officers and agents operate, as well as adequately protecting CBP officers and agents in the field.

12. Planning and Funding:

This requirement is not a result of a lack of planning or the expiration of funds. A Purchase Request (PR) for the equipment has been provided by the requisitioning agency for the purpose of acquiring the aforementioned items. Each action using the resulting contract will be separately funded.

**Certifications/Approvals:**

13. Requisition/Program Office Certification

I certify that the foregoing justification is accurate, meets the Government's minimum needs and contains complete information necessary to support the action described in this document and the authority cited.

Office: Office of Training and Development

[Redacted Signature]

Date: 04-15-2014

14. Contracting Officer Certification/Approval

I certify that the data supporting the recommended use of other than full and open competition is accurate and complete to the best of my knowledge and belief.

[Redacted Signature]  
Contracting Officer

Signature: [Redacted Signature]

Date: 15 Apr 2014

15. Chief Counsel Review (over \$150,000)

Name:

Signature:

Date: 4.15.14

Approvals:

16. Competition Advocate (over \$650,000)

☒ Approved

☐ Disapproved

17. AC Requisition/Program Office and Head of Contracting Activity (over \$12.5 million to \$62.5 million)

AC Requisition/Program Office

☒ Approved

☐ Disapproved

Date: 4/21/2014

Head of Contracting Activity

☒ Approved

☐ Disapproved

Date: 4/24/14