



# FEDERAL BUREAU OF INVESTIGATION



## LIMITED SOURCES JUSTIFICATION (FAR PART 8)

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### LIMITED-SOURCES JUSTIFICATION FOR FEDERAL SUPPLY SCHEDULE PROGRAM

FAR 8.405-6(c)

Requisition Number: DJF-18-4750-PR-00007029

Date: July 31, 2018

Estimated Contract Dollar Value: \$2,369,000

The following justification and approval for the use of sources limited to fewer than those required in FAR 8.405-1 is prepared in accordance with Federal Acquisition Regulation (FAR) 8.405-6(c). This acquisition is conducted under the authority of the Multiple-Award Schedule Program (See 40 U.S.C. § 501).

#### 1. Identification of the agency and the contracting activity.

The U.S. Department of Justice (USDOJ), Federal Bureau of Investigation (FBI), Professional Services Acquisition Unit, has prepared this justification for other than full and open competition for the purchase of public record and legal research data, via a six-month bridge contract with three one-month option periods, with the incumbent contractor, on behalf of the Office of Chief Information Officer (OCIO).

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

The six-month bridge contract with the incumbent contractor, LexisNexis (Lexis), is essential to the day-to-day activities of law enforcement investigations and legal operational efforts. A lapse in the availability of public records data could seriously harm law enforcement efforts to track and curb criminal behavior. The current, firm-fixed price task order will be modified to extend services for a six month period. It is anticipated that at the end of the six month extension, USDOJ will have a department-wide contract in place, which will allow the FBI to fulfill its public record and legal research requirements.

#### 3. A complete description of the supplies and/or services required to meet the agency's needs.

The FBI has a need for access to a variety of public record and legal research databases that are offered in the commercial marketplace. The FBI uses these databases to conduct searches on individuals and organizations, and for researching legal information.

Searches are conducted when authorized, appropriate and consistent with applicable laws and policy.

The requirement for public records and legal research data includes, but is not limited to, biographical data, telephone data, utility data, business data, legal data, travel data, internet and social media data, credit report data, and mortgage data. The estimated cost is \$2,369,000 for the six month period of performance.

**4. The 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.**

- FAR 8.405-6(a)(1)(i)(A) – An urgent or compelling need exists, and following the FSS ordering procedures would result in unacceptable delays.

The current FBI contract with Lexis ends on September 29, 2018, and the FBI has decided that it will be more economical to procure its future data needs through the USDOJ department-wide contract. The USDOJ contract was scheduled to have an effective date of October 1, 2018. However, USDOJ procurement office informed the FBI in June 2018 that its contract will not be in place until approximately April 1, 2019, due to the implementation of a new, USDOJ contract-writing system. The USDOJ delay in contract award has necessitated the FBI's six-month bridge contract, and the bridge will ensure that there will not be a lapse in contract coverage.

Lexis has been providing access to multiple investigative tools (datasets) to FBI personnel for over 10 years. These datasets are queried through the below tools:

- ACCURINT for investigative person search;
- Courtlink and Lexis Advanced for legal documentation research;
- iTAC for specific phone subscriber data; and
- Landflip, which feeds into an interface developed by the financial crimes division.

The longevity of this contract speaks to the enterprise-wide need of this capability to meet mission daily. Lexis's platform supplies FBI personnel with access to lawfully obtained data. Lexis acquires, validates, structures, stores and administers access to its interface, which is designed for Law Enforcement and National Security purposes and supports the mission of over 8,000+ FBI personnel.

Multiple public records data groups can be queried within the same tool which allows for analysts to quickly bring together information on residence, telephone and internet connections, vehicle and professional licenses, etc. Lexis has also developed a unique sub-interface that merges nationwide, public records with real time law enforcement data. As a result, the range of data offered to FBI personnel has been increased.

Additionally, Lexis provides the FBI “in-person” or virtual training at the site of our choice, and its platform meets all our reporting requirements. Lexis delivers monthly reports that allow for full monitoring of usage, which allows for the optimal utilization of our funds.

The urgency of this anticipated bridge contract is clear. Without access to Lexis’s voluminous public records and legal research data, the FBI’s law enforcement capabilities to detect and prevent criminal acts will be severely hampered.

**5. A determination by the ordering activity Contracting Officer that the order represents the best value consistent with FAR 8.404(d).**

The anticipated dollar value for this six month bridge contract is \$2,369,000. The contracting officer has determined that the anticipated price will represent the best value to the Government. A fair and reasonable price determination shall be established before award, in accordance with FAR 8.404(d). In its price reasonableness evaluation, the Government will also compare the proposed price to historical prices paid, and compare the proposed price with the Independent Government Cost Estimate.

**6. A description of the market research conducted among schedule holders, and the results of the research. A statement must be made that the supplies and services are available from the FSS.**

A Request for Information (RFI) was posted on FBO.gov on May 3, 2018 under classification code 76 (Books, maps and other publications) and NAICS code 511120 (Periodical Publishers). The purpose of the RFI was to find sources that lawfully acquire public data and legal research records. Two GSA contract holders, West Publishing (GSA contract GS-02-F-026DA) and LexisNexis (GSA contract GS-02-F-048M), were the only two vendors that responded to the RFI that are capable of providing a wide array of public source data. Both vendors are classified as “large businesses” under NAICS 511120. These two vendors currently have contracts with the FBI for public source and legal research data. In the past 10 to 15 years, these two vendors have been the major suppliers of such data to the FBI. Therefore, the FBI determined that the services are available from use of the Federal Supply Schedules. As a result of this RFI, no new sources were identified.

Searches in the Small Business Administration, “Dynamic Small Business Search” tool for small businesses that can provide public source and legal research data, did not yield any small businesses capable of providing this data.

**7. Any other facts supporting the limited source justification.**

Lexis recently enhanced their interface with the ACCURINT Virtual Crime Center. This enhancement allows for the merging of public records data with local law enforcement data.

This capability ensures that a complete view of an “individual of interest” is provided alongside any arrest record. The arrest record provides the full narrative of an arrest, which can prove to be beneficial to FBI personnel. The deployment of this newly enhanced feature should soon be approved by the FBI’s Office of General Counsel. Once approved, deployment to the field will be imminent.

Failing to bridge this contract would lead to less than three months of exploitation of a capability that is clearly on high demand and that can only be provided by LexisNexis.

Furthermore, this vendor constantly improves and enhances its interfaces to ensure the below data groups that support our mission remain or become available to FBI personnel enterprise-wide:

- ✓ Biographical data
- ✓ Phone Data
- ✓ Utility Data
- ✓ Business data
- ✓ Legal data
- ✓ Employment data
- ✓ Derogatory data
- ✓ Vehicle data
- ✓ Licenses/Permit Data
- ✓ Travel data
- ✓ Associates data
- ✓ Asset and financial data
- ✓ Internet and Social Media Footprint

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

Additional Requests for Information/Sources Sought will be issued in the future to determine if there are new entrants in the public source and legal research data markets.