

## JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

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**Identification Number (purchase request/solicitation number):** D-16-SS-0427

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

- A. Agency:** Drug Enforcement Administration (DEA)
- B. Contracting activity:** Office of Acquisition and Relocation Management (FA)
- C. Requiring activity:** SS

**2. Nature and/or description of the action being approved. (e.g., new contract award or modification expanding the scope of an existing contract)**

New Contract Award

**3. A description of the supplies or services required to meet the agency's needs, including the estimated value. (inclusive of all options)**

The Drug Enforcement Administration's Digital Evidence Laboratory (SFL9) is attempting to extract data from Apple mobile devices that utilize advanced security and encryption techniques. SFL9 was able to determine that the proposal provided by Cellebrite, Inc. would be able to successfully meet the needs of the laboratory with the use of the Cellebrite UFED Premium Unlock Subscription Program for annual subscription. This solution includes an annual software license for UFED Premium including maintenance & support. This capability is strictly provided for the sole use of the approved specified and designated (2) DEA examers assigned, and not to be shared with others.

**Period of performance or**

**Total estimated value:** \$250,000.00

**final delivery date:** 9/19/2016 - 9/18/2017

**4. An identification of the statutory authority permitting other than full and open competition.**

41 U.S.C. 3304(a)(1)

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

Based on market research and knowledge of the mobile forensics industry, the capability included in the UFED Premium product is the only one of its kind. No other vendor has demonstrated the capability to bypass these specific mobile devices. The technology being used by the vendor to gain access into these devices can not be released to the public due to concerns of the mobile device manufacturers patching the vulnerabilities currently being propegated.

**6. A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable, including whether a notice was or will be publicized as required by [Subpart 5.2](#) and, if not, which exception under [5.202](#) applies.**

An effort to determine whether this product cabability was sold by other vendors was performed. Cellebrite does not currently offer this product to resellers, nor is it willing to sell the product to the

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public. The vendor is currently only selling this product to Federal Law Enforcement Agencies. However, this requirement will be synopsised in accordance with the requirements in FAR 5.2.

**7. A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.**

Based on the market research obtained, a single unlock of a mobile device under this contract would cost approximately \$1,495.00, which is substantially lower than the sole purchase of one individual unlock at \$5,000.00 and would require the agency to turn over evidence to the vendor. Increasing the efficiency of the examination and increasing the strength of the chain of custody.

**8. A description of the market research conducted (see [Part 10](#)) and the results or a statement of the reason market research was not conducted.**

Commercial mobile forensic tools were evaluated, to include but not limited to, MicroSystemation's XRY, Blackbag's Blacklight and Mobilyze, AccessData's MPE+, Oxygen Forensic's Analyzer, and Susteens SV Strike, none of these tools demonstrated the ability to unlock and decrypt Apple iPhone Models 4s to 5c with either iOS v8.x. or iOS v9.x and Samsung Galaxy S6, Note 5, and S7. UFED Premium is the only solution determined to have these capabilities. Alternative solutions may trigger a wipe to the devices, resulting in the inability to recover any evidence, whether it is exculpatory .

**9. Any other facts supporting the use of other than full and open competition, such as:**

- i. **Explanation of why technical data packages, specifications, engineering descriptions, statements of work, or purchase descriptions suitable for full and open competition have not been developed or are not available.**

Releasing the capabilities of this product to the public could result in the mobile device manufacturers patching the vulnerabilities currently being propagated by the vendor.

- ii. **When [6.302-1](#) is cited for follow-on acquisitions as described in [6.302-1\(a\)\(2\)\(ii\)](#), an estimate of the cost to the Government that would be duplicated and how the estimate was derived.**

N/A

- iii. **When [6.302-2](#) is cited, data, estimated cost, or other rationale as to the extent and nature of the harm to the Government.**

N/A

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

N/A

**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 the supplies or services required.**

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DEA will request that any and all interested parties submit their capabilities for review. The DEA will only release its intent to procure the device and limit any proprietary information from being released.

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**Certifications**

*"I hereby certify that the description of the requirement meets the Government's minimum needs and that the technical data and supporting information, which form the basis for this Justification for Other than Full and Open Competition, are accurate and complete to the best of my knowledge and belief."*

Requesting Office  
Technical Point of Contact \_\_\_\_\_ Date \_\_\_\_\_  
Signature & Title

*"I hereby certify that this Justification for Other than Full and Open Competition is accurate and complete to the best of my knowledge and belief."*

Contract Specialist \_\_\_\_\_ Date \_\_\_\_\_  
Signature

Contracting Officer \_\_\_\_\_ Date \_\_\_\_\_  
Signature

*"I have reviewed the subject contract action and find it legally sufficient for award."*

CC Legal Counsel \_\_\_\_\_ Date \_\_\_\_\_  
(if over \$650,000) Signature

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**Reviews and Approvals**

Competition Advocate \_\_\_\_\_ Date \_\_\_\_\_  
(if over \$650,000) Signature

Chief, FAC \_\_\_\_\_ Date \_\_\_\_\_  
(if over \$650,000) Signature

Bureau Procurement Chief \_\_\_\_\_ Date \_\_\_\_\_  
(if over \$650,000 per [JAR 2806.304](#)) Signature

Head of the Contracting \_\_\_\_\_ Date \_\_\_\_\_  
Activity (if over \$12.5M) Signature

Senior Procurement \_\_\_\_\_ Date \_\_\_\_\_  
Executive (if over \$62.5M) Signature