

DEPARTMENT OF HOMELAND SECURITY  
U.S. Customs and Border Protection

Requisition No. 20039434

JUSTIFICATION AND APPROVAL

CBP Directive 5220-0316

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This Justification and Approval (J&A) is made to support the use of one of the following: (1) Other than Full and Open Competition under the authority of 41 U.S.C. 253(c) (Competition and Contracting Act—P.L. 98-369)-See FAR 6.303-1 & -2; or (2) Sole source (including use of a specific brand name) under the Test Program for Certain Commercial Items under the authorities of section 4202 of 40 U.S.C. 1401 (Clinger-Cohen Act) or 41 U.S.C. 428a (Service Acquisition Reform Act)-See FAR 13.501; or (3) Limited sources (including an item peculiar to one manufacturer) in ordering under the authority of the Multiple Award Schedule Program - General Services Administration or Veterans Administration Schedules (41 U.S.C. 251, et. seq., Title III of Federal Property and Administrative Services Act or 40 U.S.C. 501, Title 40 of the Services for Executive Agencies)-See FAR 8.405-6.1.

1. Description of Action:

The purpose of the Container Security Initiative Program is to screen all high-risk containerized cargo bound for the United States from foreign CSI Ports. One of the four core elements necessary to accomplish this goal is the use of intelligence and automated information to identify and target containers that pose a risk for terrorism. CBP Officers at the CSI Ports, require an internet based research tool that provides the ability to instantly access a vast number of current and historical records on individuals and businesses. Autotrack XP/CLEAR is an internet based research tool that has the capability to perform these tasks in addition to cross-referencing national and state databases in real time for a summary of assets, other companies, or individuals linked to the same address as the subject, phone numbers, and compiles comprehensive reports on a variety of specialized information. Understanding and analyzing this type of

\*\*see continuation page\*\*

This requirement  will  will not provide for a bridge contract. Former Contract/Order No. 1008F18627

2. Description of Supplies/Services:

Autotrack XP is an internet based public records database research tool that enables users to instantly access over 19 billion current and historical data records on individuals and businesses both foreign and domestic. Autotrack XP is the only database that provides real time information from credit reporting bureaus as a part of comprehensive searches. It is also the only research database that whose phone search provides integrated public record and proprietary telephone listing information, including daily updates via a web based solution.

CLEAR is an innovative product that broadens public record data delivery by providing tools to increase the usefulness of the returned data. CLEAR is the next generation of Autotrack therefore expected to ultimately replace Autotrack XP in the government arena. CLEAR has been designed and built specifically for law enforcement, homeland security, and government customers. CLEAR provides comprehensive cell phone data, including detailed carrier contact information. It also features utility data for more than 80 national and regional electric, cable, gas, and telephone companies.

3. Total Estimated Cost/Price (includes all option periods, quantities, and/or system life cycle costs listed in Block 2)

(b) (4)

5. Name(s) of Proposed Source(s):

West Government Services  
(Formerly: ChoicePoint Business Services)  
11350 Randon Hills Road, Suite 240  
Fairfax, VA 22030

4. Requisition Number:

20039434

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DEPARTMENT OF HOMELAND SECURITY  
U.S. Customs and Border Protection

JUSTIFICATION AND APPROVAL- Continuation

<b>1. Description of Action:</b> officers a dramatically increased ability to identify suspicious companies and containers that would warrant inspection or investigation. Items that might be identified with the use of Autotrack XP and XML include dual-use materials, WMD, illegal drugs, and other items of interest.
<b>2. Description of Supplies/Services:</b>
<b>5. Name(s) of Proposed Sources:</b>
A
B
C
D
E
F
G
H

**6. JUSTIFICATION**

Each justification shall contain sufficient facts and rationale to justify the use of the specific authority cited. As a minimum, each justification shall include the following information: (Attach additional pages as needed.)

**A** Demonstrate the proposed contractor's unique qualifications or specific circumstances of the acquisition that require use of the authority cited. (includes sole source or brand name products/specifications under either FAR 6.302-1 or 13.501) If ordering under the Multiple Award Schedule Program, the justification for restricting consideration to fewer than the required number of GSA or VA schedule contractors in FAR 8.405-1 or -2 or a specific brand name product should be discussed.

West Government Services Government's Autotrack XP, XML, and CLEAR has the total capability to satisfy the needs and the mission of the CSI Program. West Government Services is an internet based risk management information and technology provider, West Government Services Government is the leading provider in credential verification and identification services. Details of the Market Research and unique capabilities are outlined in D.

**B** Describe the efforts taken to ensure offers will/were solicited from as many potential sources as is practicable, including whether a notice was or will be published as required by FAR 5.2, and if not, which exception under FAR 5.202 applies. Attach a copy of the notice and responses, if applicable.

N/A

**C** Demonstrate the anticipated cost to the Government will be fair and reasonable. In justifying consideration of GSA or VA schedule contractors fewer than required in FAR 8.405-1 or -2 or a specific brand name product when ordering under the Multiple Award Schedule Program, include a determination that the order to be awarded represents the "best value" consistent with FAR 8.404(d).

Period of Performance: October 1, 2009 through September 30, 2009.  
West Government Services has provided CSI with the following pricing information for FY 2009 and two option years:

\*\*See continuation page\*\*

**D** Describe and document the market research that was conducted and the results, or include a statement of the reasons market research was not conducted. (See FAR Part 10). If actions were taken by Procurement Directorate personnel to satisfy this requirement, such as a "sources sought" synopsis (FAR 5.2), describe those actions. Provide documentation as attachments. In justifying consideration of fewer than the required number of GSA or VA schedule contractors in FAR 8.405-1 or -2 or a specific brand name product, include a description of the market research conducted among schedule contract holders and the results or a statement of the reasons market research was not conducted.

The CSI ports are in need of a research tool that has the capability to research company information, find individuals, addresses, cell and lan phone numbers. Link address and associates as well as search foreign information (i.e foreign address, corporations, news, etc). Market research was performed to inquire as to any other company having the capabilities to satisfy CSI's need for a law enforcement research tool. Research and information was gathered from West Government Services Government's Autotrack & CLEAR, Lexis Nexis, and Dunn and Bradstreet. Selection was based on the research capabilities of each company as well as the best value to the government. \*\*See continuation page\*\*

**E** Describe any other facts supporting the use of other than full and open competition (See FAR 6.303-2(a)(9)(i)-(iii)), or limited source consideration of GSA or VA schedule contractors (See FAR 8.405-6(e)(2)(vii)) or use of a specific brand name product.

N/A

**F** List sources, if any, that expressed an interest in the acquisition.

N/A

**G** If future acquisitions are planned for the same supplies or services, include (1) a statement of the actions that will be taken to remove or overcome any barriers before commencing any subsequent acquisitions (includes barriers that preclude considering the minimum number of GSA or VA contact holders required by FAR 8.405-1 and -2 or other than a specific brand name product in ordering under the Multiple Award Schedule Program); and (2) a statement of the actions and the results that were taken to increase competition as described in past justifications for the same supplies or services (if applicable).

N/A

**H** Include a statement that this acquisition does not result from a lack of planning or the expiration of funds.  
This requirement does not result from a lack of planning or expiration of funds.

**7. REQUISITIONING OFFICE CERTIFICATION (OVER \$100,000)**  
 I certify that the foregoing justification is accurate and contains complete information necessary to support the action listed in item 1, Description of Action, and the authority cited.

Office: Office of Field Operation - CSI Telephone Number: (702) 344-(b)(6) Date: 07/07/2008  
 Name (Print): (b)(6) Title: (b)(6) Program Management

**8. ASSISTANT COMMISSIONER/CHIEF, BORDER PATROL CERTIFICATION (OVER \$250,000)**  
 I certify that the foregoing justification is accurate and contains complete data necessary to support the action listed in item 1, Description of Action, and the authority cited.

Name (Print): Assistant Commissioner, Office of Field Operations Title: (b)(6) Telephone Number: (202) 344-(b)(6) Date: 1/27/09

**9. SMALL BUSINESS CERTIFICATION (OVER \$100,000)**  
 I certify that I have conducted a search for small businesses and other (non-economic) concerns capable of participating in this acquisition, if any were found, a list is attached.

Name (Print): (b)(6) Title: (b)(6) Telephone Number: (b)(6) Date: 12/22/08  
 CSP Small Business Specialist

**10. PROCUREMENT CERTIFICATION (OVER \$100,000)**  
 I certify that this justification is accurate and complete to the best of my knowledge and belief.

Name (Print): ANTHONY HARWIN Title: (b)(6) Telephone Number: 702-344-(b)(6) Date: 7/27/09  
 Contracting Officer

**11. Each review must be preceded by lower level approval(s); e.g., over \$57 million all approvals are required. IN NO CASE WILL AN INDIVIDUAL SIGN MORE THAN ONE APPROVAL LEVEL.**

Approval Level	Name (Print)	Signature	Telephone Number	Date
OVER \$11.8 MILLION	Comptroller/Assistant	<input type="checkbox"/> Approve <input type="checkbox"/> Disapprove		
	Name & Title (Print) Head of Contracting Activity	<input type="checkbox"/> Approve <input type="checkbox"/> Disapprove		
OVER \$57 MILLION	Name (Print) Assistant Commissioner Office of Finance	<input type="checkbox"/> Approve <input type="checkbox"/> Disapprove		
	Name (Print) Chief Procurement Officer (CPO)	<input type="checkbox"/> Approve <input type="checkbox"/> Disapprove		

(b)(6)  
(b)(6)

**7. REQUISITIONING OFFICE CERTIFICATION (OVER \$100,000)**  
 I certify that the foregoing justification is accurate and contains complete information necessary to support the action listed in Item 1, Description of Action, and the authority cited.

Office:	Telephone Number:	Date:
Office of Field Operation - CSI	(202) 344-(b) (6)	07/07/2008
Name (Print):	(b) (6) for	
Title:	Program Management	

(b) (6)

**8. ASSISTANT COMMISSIONER/CHIEF, BORDER PATROL CERTIFICATION (OVER \$850,000)**  
 I certify that the foregoing justification is accurate and contains complete data necessary to support the action listed in Item 1, Description of Action, and the authority cited.

Name (Print):	Signature:	Telephone Number:	Date:
Assistant Commissioner, Office of or Chief, Border Patrol			

**9. SMALL BUSINESS CERTIFICATION (OVER \$100,000)**  
 I certify that I have conducted a search for small businesses and other socio-economic concerns capable of participating in this acquisition. If any were found, a list is attached.

Name (Print):	Telephone Number:	Date:
(b) (6)	(b) (6)	12/22/08
Signature:	(b) (6)	
CBP Small Business Specialist		

(b) (6)

**10. PROCUREMENT CERTIFICATION (OVER \$100,000)**  
 I certify that this justification is accurate and complete to the best of my knowledge and belief.

Name (Print):	Telephone Number:	Date:
Signature:		
Contracting Officer		

**11. REVIEWS AND APPROVALS**  
 Each review must be preceded by lower level approval(s); e.g., over \$57 million all approvals are required. IN NO CASE WILL AN INDIVIDUAL SIGN MORE THAN ONE APPROVAL LEVEL.

Amount	Name (Print)	Signature	Telephone Number	Date
OVER \$550,000	Competition Advocate	<input type="checkbox"/> Approve		
		<input type="checkbox"/> Disapprove		
OVER \$11.5 MILLION	Head of Contracting Activity	<input type="checkbox"/> Approve		
		<input type="checkbox"/> Disapprove		
OVER \$57 MILLION	Assistant Commissioner Office of Finance	<input type="checkbox"/> Approve		
		<input type="checkbox"/> Disapprove		
OVER \$57 MILLION	Chief Procurement Officer (DHS)	<input type="checkbox"/> Approve		
		<input type="checkbox"/> Disapprove		

12. STATUTORY AUTHORITIES FOR CONTRACTING WITHOUT PROVIDING FOR FULL AND OPEN COMPETITION (41 U.S.C. 253(c)) (OTHER THAN FULL AND OPEN COMPETITION).

THE COMPETITION IN CONTRACTING ACT OF 1984

Public Law 98-369

Check (one only):

(b) (6)

41 USC 253(c)(1) - Only one responsible source and no other supplies or services will satisfy agency requirements

This authority shall be used in preference to Public Interest. It shall not be used when any of the other circumstances is applicable. (Explain what makes this contractor the only responsible source: i.e., Does this proposed contractor have facilities or equipment that are specialized and vital to the effort? Is the proposed contractor the only one that can meet critical schedules? Does the proposed contractor have prior experience of a highly specialized nature vital to the effort? Why is a particular brand name essential to the Government's requirements? Why won't any other product or service satisfy the need? Describe market research and analysis leading to this conclusion.)

(b) (6)

41 USC 253(c)(2) - Unusual and compelling urgency

This authority applies in those situations where (1) an unusual and compelling urgency precludes full and open competition; and (2) delay in award of the contract would result in serious injury, financial or other, to the Government. (Explain why the agency's need for the supplies or services is of such an unusual and compelling urgency that the Government would be seriously injured unless it limited the number of sources. Solicitation from as many potential sources as is practicable under the circumstances is required.)

41 USC 253(c)(3) - Industrial mobilization; engineering, developmental or research capability; or expert services

This authority applies when it is necessary to award the contract to a particular source or sources in order to: (1) maintain a facility, producer, manufacturer, or other supplier available for furnishing supplies or services in case of a national emergency or to achieve industrial mobilization; (2) to establish or maintain an essential engineering, research, or development capability to be provided by an educational or other nonprofit institution or a federally funded research and development center; or (3) to acquire the services of an expert for any current or anticipated litigation or dispute. (Does the proposed contractor have facilities and equipment that are vital in the event of a national emergency? Is the proposed contract to maintain properly balanced sources of supply for meeting the requirements of acquisition of programs in the interest of industrial mobilization? Is the proposed contract to create or maintain the required domestic capability for production of critical supplies by limiting competition to items manufactured in the United States, its outlying areas, or Canada?)

41 USC 253(c)(4) - International agreement

This authority may be used when the acquisition is to be reimbursed by a foreign country that requires the product to be obtained from a particular firm as specified in official written direction such as a Letter of Offer and Acceptance; or, when services are to be performed, or supplies are to be used, in the sovereign territory of another country and the terms of a treaty or agreement specify or limit the sources to be solicited. (Cite the international agreement or treaty between the United States and the foreign government or international organization that precludes full and open competition. Provide the written directions of the foreign government reimbursing the agency for the cost of the acquisition, which precludes full and open competition.)

41 USC 253(c)(5) - Authorized or required by statute

This authority may be used when a statute expressly authorizes that the acquisition be made through another agency or from a specified source. (Cite the authority that expressly authorizes that the acquisition be made through another agency or from a specified source, and attach a copy of the statute.) Note: While this statutory exception includes qualified non-profit agencies for the blind or other severely disabled and the small disadvantaged business 8(a) set-aside program, a J&A is not required for this type of procurement.

41 USC 253(c)(6) - National security

This authority may be used for any acquisition when disclosure of the Government's needs would compromise national security. It shall not be used merely because the acquisition is classified, or merely because access to classified matter will be necessary to submit a proposal or to perform the contract. (Explain why the disclosure of the Government's needs would compromise the national security or violate security requirements.)

41 USC 253(c)(7) - Public Interest

This authority may be used when none of the other authorities above apply. Individual justification, Secretarial approval, and Congressional notification 30 days before award of the contract are required.

**LIMITED SOURCES - MULTIPLE AWARD SCHEDULE PROGRAM (FAR 8.405-6)**

Under the authority of the Multiple Award Schedule Program for General Services Administration—Title III of the Federal Property and Administrative Services Act (41 U.S.C. 251, et. seq.); or Department of Veterans Affairs—Title 40 U.S.C. 501, Services for Executive Agencies.

This J&A is made for restricting consideration to:

(Check one of the following)

- Schedule Contractors Fewer Than Required; or
- An Item Peculiar to One Manufacturer (i.e., a particular brand name, product, or a feature of produce peculiar to one manufacturer).

**TEST PROGRAM FOR CERTAIN COMMERCIAL ITEMS (FAR 13.5)**

Under the authority of:

(Check one of the following)

- Section 4202 of the Clinger-Cohen Act of 1996—The Test Program for Commercial Items (over \$100,000 but not exceeding \$5.5 million); or
- 41 U.S.C. 428a (Services Acquisition Reform Act of 2003)—Commercial items that, as determined by the Head of the Agency, are to be used in support of a contingency operation or to facilitate the defense against or recovery from nuclear, biological, chemical, or radiological attack (over \$100,000 but not exceeding \$11 million).

This J&A is made for restricting consideration to:

(Check one of the following)

- A Sole Source; or
- An Item Peculiar to One Manufacturer (i.e., a particular brand name, product, or a feature of produce peculiar to one manufacturer).

*Handwritten note:*  
Not applicable here

CONTINUATION SHEET – JUSTIFICATION PR 20039434

1 – Description of Action

The purpose of the Container Security Initiative Program is to screen all high-risk containerized cargo bound for the United States from foreign CSI Ports. One of the four core elements necessary to accomplish this goal is the use of intelligence and automated information to identify and target containers that pose a risk for terrorism. CBP Officers at the CSI Ports, require an internet based research tool that provides the ability to instantly access a vast number of current and historical records on individuals and businesses. Autotrack XP/CLEAR is an internet based research tool that has the capability to perform these tasks in addition to cross-referencing national and state databases in real time for a summary of assets, other companies, or individuals linked to the same address as the subject, phone numbers, and compiles comprehensive reports on a variety of specialized information. Understanding and analyzing this type of information for patterns and abnormalities would give the CBP officers a dramatically increased ability to identify suspicious companies and containers that warrant inspection or investigation. Items that might be identified with the use of Autotrack and CLEAR include dual use materials WMD, illegal drugs, and other items of interest.

2 – Description of Supplies/Services

Autotrack XP is an internet based public records database research tool that enables users to instantly access over 19 billion current and historical data records on individuals and businesses both foreign and domestic. Autotrack XP is the only database that provides real time information from credit reporting bureaus as a part of comprehensive searches. It is also the only research database that whose phone search provides integrated public record and proprietary telephone listing information, including daily updates via a web based solution.

CLEAR is an innovative product that broadens public record data delivery by providing tools to increase the usefulness of the returned data. CLEAR is the next generation of Autotrack therefore expected to ultimately replace Autotrack XP in the government arena. CLEAR has been designed and built specifically for law enforcement, homeland security, and government customers. CLEAR provides comprehensive cell phone data, including detailed carrier contact information. It also features utility data for more than 80 national and regional electric, cable, gas, and telephone companies.

6 – Justification

A – West Government Services Government's Autotrack XP, XML, and CLEAR has the total capability to satisfy the needs and the mission of the CSI Program. West Government Services is an internet based risk management information and technology provider, West Government Services Government is the leading provider in credential verification and identification services. Details of the Market Research and unique capabilities are outlined in D.

C - Period of Performance: October 1, 2008 through September 30, 2009.

West Government Services has provided CSI with the following pricing information for FY 2009 and two option years:

The flat rate contract is based on usage rather than on a per-seat pricing model. This would allow CSI to enjoy unlimited access to Autotrack XP and CLEAR's various search options. Once set, the flat rate does not change until the contract ends, and then the flat rate is adjusted based on CSI usage. The flat rate is determined solely on the usage on the contract. Flat rates are invoiced based upon unlimited usage, flat rate amount for each year billed on a monthly basis. West Government Services is offering CSI an unlimited usage flat rate amount of (b) (4) billed at a monthly rate of (b) (4) a month. (b) (4)

(b)(4)

West Government Services arrived at the flat rate amount of (b) (4) (billed at (b) (4) a month) based on CSI's usage from the previous year (which was (b) (4) a month) and the anticipation of additional usage through the new database CLEAR. (b) (4)

Period of Performance Option Year 1: October 2009 through September 2010

For FY10, West Government Services is offering CSI an unlimited usage, flat rate amount of (b) (4) billed on a monthly basis at a flat rate of (b) (4) (b) (4)

Period of Performance Option Year 2:

For FY11, West Government Services is offering CSI an unlimited usage, flat rate amount of (b) (4) billed on a monthly basis at a flat rate of (b) (4) (b) (4)

This cost to the government is fair and reasonable because with the growing rate of CBP officers being deployed to the CSI locations overseas and to the National Targeting Center – Cargo (NTCC) it allows CSI unlimited transactions and unlimited users, while maintaining the same pricing rate through the next three years.

D – The CSI ports are in need of a research tool that has the capability to research company information, find individuals, addresses, cell and lan phone numbers. Link address and associates as well as search foreign information (i.e foreign address, corporations, news, etc). Market research was performed to inquire as to any other company having the capabilities to satisfy CSI's need for a law enforcement research tool. Research and information was gathered from West Government Services Government's Autotrack & CLEAR, Lexis Nexis, and Dunn and Bradstreet. Selection was based on the research capabilities of each company as well as the best value to the government.

Dunn & Bradstreet (D&B) was found to contain only information on corporations/companies both foreign and domestic. They do not have information on individuals which is a bonafide need for the mission of CSI.

Lexis Nexis was found to contain information on both individuals and domestic corporations/companies. Lexis Nexis does not have information on foreign corporations which is a bonafide need for the CSI mission.

West Government Services was found to contain information on both individuals and corporations both foreign and domestic. Additionally West Government Services is the only company that provides Law Enforcement information to its Government users by the way on their new CLEAR research tool. Currently, West Government Services will meet all the Law enforcement needs of the CSI ports.

H – This requirement does not result from lack of planning or expiration of funds.

12 – Statutory Authorities for contracting without providing for full and open competition

Check box 41 USC 253 (c) (2) – Only one responsible source and no other supplies services will satisfy agency requirement.

If this procurement is not processed CSI officers stationed at the foreign location will not be able to accomplish the CSI mission which is to screen, research, target and intercept all high risk containerized cargo bound for the US in foreign locations. CSI uses Autotrack & CLEAR as a research database in the effort to target those containers that pose a risk. And without this database officers will have no means of gathering this pertinent information that only West Government Services provides.