

**DEPARTMENT OF HOMELAND SECURITY  
CUSTOMS AND BORDER PROTECTION  
DETERMINATION AND FINDINGS  
FOR SOLE SOURCE AWARD  
UNDER THE SIMPLIFIED ACQUISITION THRESHOLD**

**PR**

*Note: A J&A is not required for sole source acquisitions under the SAT, but rather a Contracting Officer D&F is required.*

**DETERMINATION AND FINDINGS (D&F)**

**BACKGROUND**

The following Determinations and Findings are made pursuant to the provisions of Section 6.302-1(a)(2) of the Federal Acquisition Regulation (FAR).

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

The Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), Office of Field Operations (OFO) is the frontline of U.S. Customs and Border Protection (CBP) protecting the United States from terrorists and instruments of terror while enforcing the laws of the United States.

The Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, Tactical Operations Division, Headquarters, Washington, DC, desires to purchase a software license subscription renewal of the Cellebrite UFED Touch Logical equipment tool for the examination of hard drives, USB drives, and multimedia cards. CBPOs, under border search authority, examine electronic media enforcing laws that protect trademark and copyright laws or prohibit importation of illegal materials such as child pornography. To facilitate international trade and travel, OFO requires a tool that efficiently screens electronic media for illicit material and/or activity. The Cellebrite UFED Touch Logical equipment requires an annual software license subscription renewal that encompasses warranty, support, maintenance, and upgrades.

Upon expiration of the warranty update, the Cellebrite UFED Touch Logical, the license dongle used to run the tool no longer can be validated. This means that the tool cannot be used to triage computers and other digital media without a valid license/warranty. Additionally, OFO is missing software revision updates to support new features. So, OFO will be left without any capability of forensically triaging cell phones, laptops for evidence of criminal activity.

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

The Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, Tactical Operations Division, Headquarters, Washington, DC, desires to purchase the Cellebrite UFED Touch Logical equipment software licenses renewal, specifically the Logical License 1 year subscription. OFO requires this software license update to 1) replace the existing software license subscription which has already lapsed 2) provides advance search and image analysis integration and 3) updates existing software license subscription and solves the biggest challenges facing exploitation of computers today. The value of this Cellebrite UFED Touch Logical equipment software subscription renewal is approximately

The award will be a sole source award due the facts below which support such action.

### **FINDINGS**

#### **Market Research**

Cellebrite, a U.S. based company with headquarters in New Jersey, does not sell their hardware, software, or license renewals through any First Source, GSA, or other authorized reseller. Cellebrite only sells their products direct through their internal sales department. Past purchases of both equipment and license renewals by CBP have been made directly through Cellebrite.

OFO require the use of the Cellebrite UFED cell phone extraction equipment for the following reasons:

Market research has shown Cellebrite supports the largest amount of phones of any cell phone forensic tool vendor. Market research was done by comparing sales and support literature from the websites of the major competitors MicroSystemation XRY, AccessData MPE+, and Susteen SecureView. In addition, CBP-LSSD already owns and uses licenses of XRY, MPE+, and SecureView and has first-hand knowledge that the Cellebrite UFED hardware and software better supports CBP case work. Cellebrite Physical Analyzer (PA) software (as part of the UFED unit order) is the only software available on the market that parses physical phone binary data and correctly interprets system and application (app) data in a short amount of time. It is also the only cell phone forensic tool that can take an Android phone's memory card and parse it correctly as part of the Android operating system. This has been confirmed by LSSD forensic analysts by conducting validation tests on all the major tools. Cellebrite UFED Touch Logical equipment is also used extensively by BP, OFO, and OAM offices with intelligence work. OIT has built a custom interface in the ATS database system for these offices to read and interpret the proprietary XML output files from the Cellebrite UFED Touch Logical devices, and correlate the data against other CBP databases. LSSD analysts provide a UFED XML output file to submitters which can be uploaded and analyzed in ATS. Re-creating the ATS interface software to match the output file from a different vendor would be cost prohibitive for the government. LSSD is an accredited crime lab through the American Society of Crime Laboratory Directors (ASCLD). ASCLD requires that all forensic analysts be trained and certified

on scientific equipment, and also that the scientific equipment be tested and validated prior to being put into service. CBP has trained and certified its analysts on the Cellebrite UFED Touch Logical equipment, and changing vendors would incur significant additional training and certification costs for the analysts. LSSD has also validated the Cellebrite UFED Touch Logical equipment for lab use, and changing vendors would also cause LSSD to cease mission critical case work and re-validate a new product. LSSD analysts conduct UFED tool training to BP, OFO, and OAM offices throughout the country. BP, OFO, and OAM offices already have the UFED Touch Logical equipment in the field, and request LSSD to assist their personnel by providing equipment training. This training is provided by the LSSD subject matter experts to field personnel at no cost to other CBP divisions. The LSSD analysts require the Cellebrite UFED Touch Logical equipment to conduct the training.

**Estimate of the extent/duration of Work to be performed**

The proposed contractor will be able to provide the Cellebrite UFED Touch Logical equipment software computer license subscriptions within 30 days of award which can be integrated into current OFO procedures without the need for familiarization or training for existing Cellebrite UFED Touch Logical equipment users.

**Value of Purchase Order / Determination of price reasonableness.**

In accordance with the quotation provided by the vendor ( \_\_\_\_\_ ), the firm fixed price total value of the product is \$ \_\_\_\_\_.

The price has been determined fair and reasonable in accordance with FAR 15.404-1(b)(2) by comparison of the proposed price with the Independent Government Cost Estimate (IGCE).

**Additional facts supporting the sole source action.**

Purchase Requisition (PR) was approved by the Deputy Assistant Commissioner (DAC), on 5/28/2018. The funds, \_\_\_\_\_ are fully released and are deemed fully exempt.

**Actions, if any, the agency may take to remove or overcome any barriers that led to the restricted consideration before any subsequent acquisition for the supplies or services is made.**

Future requirements of this nature are not anticipated at this time. Therefore, the agency has not identified actions or barriers that led to the restricted consideration.

**DETERMINATION**

Based on the above findings, it is determined that a sole source acquisition will best be met by award of purchase order in the amount of \$ \_\_\_\_\_ to the following vendor:

Cellebrite Inc.  
7 Campus Drive, Suite 210  
Parsippany, NJ 07054

**REQUISITION/PROGRAM OFFICE CERTIFICATION (over \$3,000)**

I certify that the foregoing D&F 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.

[ ] The guidance in HSAM Subchapter 3006.3 and HSAM Appendix G have been followed.

Office: CBP/OFO

Name: (Print): Cayetano Ordonez

Title: CBPO/PM

Signature: 

Date: 06/04/2018

**CONTRACTING OFFICER CERTIFICATION (over \$3,000)**

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.

Name (Print): \_\_\_\_\_  
*Contracting Officer*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_