

From: (b)(6); (b)(7)(C)
Sent: 13 Jun 2013 20:05:39 +0000
To: (b)(6); (b)(7)(C)
Cc:
Subject: FW: HSCEMD-13-J-00015 Spectrum Support Services
Attachments: Contract Document Legal Review Corrections.pdf

(b)(6); (b)(7)(C)

Thanks, looks good.

V/r

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Associate Legal Advisor
ICE Office of the Principal Legal Advisor

(p) 214.905 (b)(6);
(bb) 214.924 (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: Thursday, June 13, 2013 2:56 PM
To: (b)(6); (b)(7)(C)
Cc:
Subject: RE: HSCEMD-13-J-00015 Spectrum Support Services

(b)(6); (b)(7)(C)

Attached are the corrected pages (29 and 30) of the award document and comments in response to your legal review.

(b)(6); (b)(7)(C)

OAQ Mission Support Dallas | Contract Specialist
DHS | ICE | Office of Acquisition Management (OAQ)
Desk: 214-905 (b)(6); (b)(7)(C) Fax: 214-905-5568
Email: (b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: Thursday, June 13, 2013 10:50 AM

To: (b)(6); (b)(7)(C)
Cc: [Redacted]
Subject: HSCEMD-13-J-00015 Spectrum Support Services

(b)(6);
(b)(7)(C)

Please find attached my comments concerning the award document.

V/r

(b)(6); (b)(7)(C)
[Redacted]

Associate Legal Advisor
ICE Office of the Principal Legal Advisor
(p) 214.905 (b)(6);
(bb) 214.92 (b)(7)(C)

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REQUEST FOR LEGAL REVIEW

REQUEST DATE June 11, 2013	CONTRACT SPECIALIST (b)(6); (b)(7)(C)	TELEPHONE NO. 214-905- (b)(6); (b)(7)(C)
DIVISION/OFFICE OAQ / MSD	CONTRACTING OFFICER (b)(6); (b)(7)(C)	TELEPHONE NO. 214-905- (b)(6); (b)(7)(C)
ACQUISITION DOCUMENT NO. HSCEMD-13-J-00015 - <i>Order Review</i>	CONTRACTOR Zantech IT Services, Inc.	
CONTRACTING OFFICER'S COMMENTS Request Pre-Award legal review 1) Added 52.217-8 2) Key personnel names added to HSAR 3052.215-70 3) added 52.212-4 AHTI. Also, this clause is included in the contractor's TABBs Contract.	ATTORNEY'S COMMENTS <input type="checkbox"/> Legally Sufficient <input checked="" type="checkbox"/> Legally Sufficient Subject to Comments <input type="checkbox"/> Legally Insufficient (see comments below) ATTORNEY: (b)(6); (b)(7)(C) DATE: <u>6/13/2013</u> 1) Add: 52.217-8 OPRN to extended services. 2) Reference HSAR 3052.215-70 key personnel, pursuant to (b) identify the "Special individuals" by Name, not just position. 3) Indicate that 52.212-4 AHTI applies to this Task Order.	

All personnel who access Department information systems will be continually evaluated while performing these duties. Supervisors should be aware of any unusual or inappropriate behavior by personnel accessing systems. Any unauthorized access, sharing of passwords, or other questionable security procedures should be reported to the local Security Office or Information System Security Officer (ISSO).

16.0 OTHER DELIVERY ORDER TERMS

16.1. INCORPORATED CLAUSES:

FAR and HSAR provisions and clauses can be accessed at <http://farsite.hill.af.mil/>

52.212-4 Contract Terms and Conditions—Commercial Items (JUNE 2010) with Alternate I (OCT 2008)

52.213-3 -- Notice to Supplier (Apr 1984)

52.217-8 -- Option to Extend Services (Nov 1999)

The Government may require continued performance of any services within the limits and at the rates specified in the contract. These rates may be adjusted only as a result of revisions to prevailing labor rates provided by the Secretary of Labor. The option provision may be exercised more than once, but the total extension of performance hereunder shall not exceed 6 months. The Contracting Officer may exercise the option by written notice to the Contractor prior to task order expiration.

FAR 52.217-9 Option to Extend the Term of the Contract (Mar 2000): (a) The Government may extend the term of this contract by written notice to the Contractor prior to expiration; provided, that the Government gives the Contractor a preliminary written notice of its intent to extend at least 30 days prior to the contract expiration date. The preliminary notice does not commit the Government to an extension. (b) If the Government exercises this option, the extended contract shall be considered to include this option clause. (c) The total duration of this contract, including the exercise of any options under this clause, shall not exceed 36 months.
(End of Clause)

HSAR 3052.205-70 Advertisements, Publicizing Awards, and Releases (SEP 2012).

The Contractor shall not refer to this contract in commercial advertising or similar promotions in such a manner as to state or imply that the product or service provided is endorsed or preferred by the Federal Government or is considered by the Government to be superior to other products or services.
(End of clause)

ALTERNATE I (SEP 2012)

If a contract involves sensitive or classified information, designate the paragraph in the base clause as (a) and add the following paragraph (b) to the clause:

(b) All advertisements, releases, announcements, or other publication regarding this contract or the agency programs and projects covered under it, or the results or conclusions made pursuant to performance, must be approved by the Contracting Officer. Under no circumstances shall the

Contractor, or anyone acting on behalf of the Contractor, refer to the supplies, services, or equipment furnished pursuant to the provisions of this contract in any publicity, release, or commercial advertising without first obtaining explicit written consent to do so from the Contracting Officer.
(End of clause)

HSAR 3052.215-70 Key Personnel (DEC 2003)

(a) The personnel specified below are considered essential to the work being performed under this contract and may, with the consent of the contracting parties, be changed from time to time during the course of the contract by adding or deleting personnel, as appropriate.

(b) Before removing or replacing any of the specified individuals, the Contractor shall notify the Contracting Officer, in writing, before the change becomes effective. The Contractor shall submit sufficient information to support the proposed action and to enable the Contracting Officer to evaluate the potential impact of the change on this contract. The Contractor shall not remove or replace personnel until the Contracting Officer approves the change.

Key Personnel under this task order:

The Project Manager (b)(6); (b)(7)(C)

The Senior Computer Systems Specialist / Network Engineer: (b)(6); (b)(7)(C)

The Senior Engineer Subject Matter Expert (SME) (b)(6); (b)(7)(C)

(End of clause)

3052.242-72 Contracting officer's technical representative. (DEC 2003)

(a) The Contracting Officer may designate Government personnel to act as the Contracting Officer's Technical Representative (COTR) to perform functions under the contract such as review or inspection and acceptance of supplies, services, including construction, and other functions of a technical nature. The Contracting Officer will provide a written notice of such designation to the Contractor within five working days after contract award or for construction, not less than five working days prior to giving the contractor the notice to proceed. The designation letter will set forth the authorities and limitations of the COTR under the contract.

(b) The Contracting Officer cannot authorize the COTR or any other representative to sign documents, such as contracts, contract modifications, etc., that require the signature of the Contracting Officer.

(End of clause)

PER ALL TABBS CONTRACTS:

H-8 Advertisements, Publicizing Awards, and News Releases

All press releases or announcements about any contract/task order award hereunder shall be approved by the contract/task order contracting officer prior to release. Under no circumstances shall the Contractor, or anyone acting on behalf of the Contractor, refer to the supplies, services, or equipment furnished pursuant to the provisions of this contract in any publicity news release or commercial advertising without first obtaining explicit written consent to do so from the contract/task order contracting officer. The Contractor agrees not to refer to awards in commercial advertising in such a manner as to state or imply that the product or service provided is endorsed or preferred by the Federal Government or is considered by the Government to be superior to other products or services.

From: (b)(6); (b)(7)(C)
Sent: 18 Sep 2012 14:31:24 +0000
To: (b)(6); (b)(7)(C)
Subject: FW: MFR for not publicizing requirement and J&A
Attachments: MFR - No Posting to Fedbizopps for Crossbow.doc
Importance: High

FYI – Thanks.

(b)(6); (b)(7)(C)
Associate Legal Advisor
ICE Office of the Principal Legal Advisor
(p) 214.905 (b)(6);
(bb) 214.924 (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: Tuesday, September 18, 2012 9:31 AM
To: (b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
Subject: FW: MFR for not publicizing requirement
Importance: High

(b)(6);
(b)(7)(C)

I have no legal objections.

V/r

(b)(6);
(b)(7)(C)

(b)(6); (b)(7)(C)
Associate Legal Advisor
ICE Office of the Principal Legal Advisor
(p) 214.905 (b)(6);
(bb) 214.924 (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: Monday, September 17, 2012 5:25 PM
To: (b)(6); (b)(7)(C)
Subject: MFR for not publicizing requirement
Importance: High

Team:

By and large, the attached was taken from the last Stingray purchase as well. Please advise if there any objections to or changes that need to be made to the text.

(b)(6); (b)(7)(C)

Mission Support - Dallas (MSD), OI East Team – Contracting Officer
DHS | ICE | Office of Acquisition Management (OAQ)
Phone: 214-905-(b)(6); (b)(7)(C)
Email: (b)(6); (b)(7)(C)

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MEMO FOR RECORD

DATE: September 17, 2012

RE: Requisition 192112VSA00000079

**SUBJECT: Restrictions on Publicizing Requirements for the Purchase of
Crossbow OTA Tracking Equipment**

I. BACKGROUND

(b)(7)(E)

II. REQUIREMENTS

(b)(7)(E)

(b)(7)(E)

(b)(7)(E)

(b)(6); (b)(7)(C)

Contract Specialist

Date

From: (b)(6); (b)(7)(C)
Sent: 18 Sep 2012 14:30:50 +0000
To: (b)(6); (b)(7)(C)
Cc:
Subject: FW: MFR for not publicizing requirement
Attachments: MFR - No Posting to Fedbizopps for Crossbow.doc
Importance: High

(b)(6);
(b)(7)(C)

I have no legal objections.

V/r

(b)(6); (b)(7)(C)

Associate Legal Advisor
ICE Office of the Principal Legal Advisor
(p) 214.905 (b)(6); (b)(7)(C)
(bb) 214.92 (b)(6); (b)(7)(C)

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~~552(b)(5), (b)(7)~~

From: (b)(6); (b)(7)(C)
Sent: Monday, September 17, 2012 5:25 PM
To: (b)(6); (b)(7)(C)
Subject: MFR for not publicizing requirement
Importance: High

Team:

By and large, the attached was taken from the last Stingray purchase as well. Please advise if there any objections to or changes that need to be made to the text.

(b)(6); (b)(7)(C)

Mission Support - Dallas (MSD), OI East Team – Contracting Officer
DHS | ICE | Office of Acquisition Management (OAQ)
Phone: 214-905- (b)(6); (b)(7)(C)
Email: s (b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: 16 May 2018 16:23:38 +0000
To: (b)(6); (b)(7)(C)
Subject: 192118VHQ6TSPC008 OTA Sole Source
Attachments: 192118VHQ6TSPC008 OTA Sole Source.doc

~~FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE~~

Office of Acquisition Management (OAQ)
Immigration & Customs Enforcement (ICE)
Department of Homeland Security (DHS)

Justification and Approval for other than Full and Open Competition

(b)(5); (b)(7)(E)

1. Agency and Contracting Activity

(b)(5); (b)(7)(E)

2. Nature and/or Description of the Action Being Approved

(b)(5); (b)(7)(E)

~~FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE~~

Source Selection Sensitive in accordance with FAR 3.104-4

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

4. Identification of Statutory Authority Permitting Other Than Full and Open Competition

(b)(5); (b)(7)(E)

5. Demonstration of the Contractor's Unique Qualifications or the Nature of the Acquisition Requires the Use of the Authority Cited

(b)(5); (b)(7)(E)

6. Efforts to Obtain Competition

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

(b)(5); (b)(7)(E)

7. Determination by the Contracting Officer that the Anticipated Cost to the Government Will be Fair and Reasonable

(b)(5); (b)(7)(E)

8. Description of Market Research

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

9. Any Other Facts Supporting the Use of Other than Full and Open Competition

(b)(5); (b)(7)(E)

10. Listing of Sources, if any, that Expressed in Writing and Interest in the Acquisition

Harris Corporation
P.O Box 9800
Melbourne, FL 32902

11. A Statements of the Actions, if any, the Agency May Take to Remove or Overcome Barriers To Competition Before any Subsequent Acquisition for Supplies or Services Required

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

12. Certifications

I certify that the facts and representation under my cognizance, which are included in this justification, meet the Government’s minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

(b)(6); (b)(7)(C)

_____ Date

Immigration and Customs Enforcement (ICE)
Technical Operations (Tech Ops)
Phone number: 703 (b)(6); (b)(7)(C)

13. CONTRACTING OFFICER’S CERTIFICATION

I certify that the justification is accurate and complete to the best of my knowledge and belief.

(b)(6); (b)(7)(C)

_____ Date

Contracting Officer



Document Routing Form

1	Date: 8/11/14	Purpose: <input type="checkbox"/> Congressional <input type="checkbox"/> DHS <input type="checkbox"/> Routine <input type="checkbox"/> FYI	SharePoint Tracking No:
From:	(b)(6); (b)(7)(C)	Office: IOSD	Telephone No: (b)(6); (b)(7)(C) Room No:
Subject Title:	Review Solicitation HSCEMD-14-Q-00028 for (b)(5); (b)(7)(E)		
Comments:			

2 Required Concurrences Before Routing to the Office of the Director						
Name	Extension	Office	Action Requested	Initial	Date	Comments
(b)(6); (b)(7)(C)	(b)(6); (b)(7)(C)	IOSD	<input type="checkbox"/> Concur <input checked="" type="checkbox"/> Sign	(b)(6); (b)(7)(C)	8/11/14	
		IOSD	<input type="checkbox"/> Concur <input type="checkbox"/> Sign		8/11/14	
		IOSD	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Sign		8/12/14	Follow up on SB Review Form
OPLA		OPLA	<input type="checkbox"/> Concur <input type="checkbox"/> Sign		8/14/14	
			<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
			<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
			<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
			<input type="checkbox"/> Concur <input type="checkbox"/> Sign			

3 Office of the Director Concurrences					
Name	Action Requested	Initial	Date	Comments	
ICE Management and Administration					
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign				
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign				
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign				
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign				
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	<input type="checkbox"/> Concur <input type="checkbox"/> Sign				

REQUEST FOR LEGAL REVIEW

REQUEST DATE August 11, 2014	CONTRACT SPECIALIST (b)(6); (b)(7)(C)	TELEPHONE NO. 214-90 (b)(6); (b)(7)(C)
DIVISION/OFFICE IOSD	CONTRACTING OFFICER (b)(6); (b)(7)(C)	TELEPHONE NO. 214-905 (b)(6); (b)(7)(C)
ACQUISITION DOCUMENT NO. Review of Solicitation HSCEMD-14-Q-00028 for Harris Crossbow Equipment	CONTRACTOR Harris Corporation	
CONTRACTING OFFICER'S COMMENTS Request legal review of subject RFQ	ATTORNEY'S COMMENTS <input checked="" type="checkbox"/> Legally Sufficient <input type="checkbox"/> Legally Sufficient Subject to Comments <input type="checkbox"/> Legally Insufficient (see comments below) (b)(6); (b)(7)(C) ATTORNEY: _____ DATE: <u>8/14/2014</u>	

SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS <i>OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24, & 30</i>				1 REQUISITION NUMBER 192114VHQ54T00079		PAGE OF 1 18					
2 CONTRACT NO		3 AWARD/EFFECTIVE DATE		4 ORDER NUMBER		5 SOLICITATION NUMBER HSCEMD-14-Q-00028		6 SOLICITATION ISSUE DATE			
7 FOR SOLICITATION INFORMATION CALL:		a. NAME (b)(6); (b)(7)(C)			b. TELEPHONE NUMBER (No collect calls) (214) 905 (b)(6);		8 OFFER DUE DATE/LOCAL TIME 1700 CT				
9 ISSUED BY ICE/Mission Support-Dallas Immigration and Customs Enforcement Office of Acquisition Management 7701 N. Stemmons Freeway, Suite (b)(6); (b)(7)(C) Dallas TX 75247		CODE ICE/MD/OAQ-DA		10 THIS ACQUISITION IS		X UNRESTRICTED OR SET ASIDE		% FOR:			
				SMALL BUSINESS		WOMEN-OWNED SMALL BUSINESS (WOSB) ELIGIBLE UNDER THE WOMEN-OWNED SMALL BUSINESS PROGRAM		NAICS: 334511			
				HUBZONE SMALL BUSINESS		EDWOSB					
				SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS		8(A)		SIZE STANDARD 750			
11 DELIVERY FOR FOR DESTINATION UNLESS BLOCK IS MARKED SEE SCHEDULE		12 DISCOUNT TERMS		13a THIS CONTRACT IS A RATED ORDER UNDER GPAS (15 CFR 700)		13b RATING		14 METHOD OF SOLICITATION X RFP IFB RFP			
15 DELIVER TO Immigration and Customs Enforcement HSI/Technical Operations 10450 Furnace Rd Stop (b)(6); (b)(7)(C) Attr (b)(6); (b)(7)(C) Lorton VA 20598 (b)(6);		CODE TECHOPS		16 ADMINISTERED BY ICE/Mission Support-Dallas Immigration and Customs Enforcement Office of Acquisition Management 7701 N. Stemmons Freeway, Suite (b)(6); Attr (b)(6); (b)(7)(C) Dallas TX 75247		CODE ICE/MD/OAQ-DALL					
17a CONTRACTOR/OFFEROR		CODE		FACILITY CODE		18a PAYMENT WILL BE MADE BY		CODE			
TELEPHONE NO		17b CHECK IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER		18b SUBMIT INVOICES TO ADDRESS SHOWN IN BLOCK 18a UNLESS BLOCK BELOW IS CHECKED		SEE ADDENDUM					
19 ITEM NO		20 SERVICES		21 QUANTITY		22 UNIT		23 UNIT PRICE		24 AMOUNT	
		(b)(6); (b)(7)(C) 703 551 (b)(6); (b)(7)(C)									
		Technical (b)(6); (b)(7)(C) Ph: 703 551 (b)(6); (b)(7)(C) E:mail: (b)(6); (b)(7)(C)									
		E:mail: (b)(6); (b)(7)(C) Ph: 703 551 (b)(6); (b)(7)(C) E:mail: (b)(6); (b)(7)(C)									
		ACOR: (b)(6); (b)(7)(C) Ph: 703 551 (b)(6); (b)(7)(C) E:mail: (b)(6); (b)(7)(C)									
		Contractor to provide and deliver the following items in the quantities specified:									
		(Use Reverse and/or Attach Additional Sheets as Necessary)									
25 ACCOUNTING AND APPROPRIATION DATA						26 TOTAL AWARD AMOUNT (For Govt. Use Only)					
X 27a SOLICITATION INCORPORATES BY REFERENCE FAR 52.212-1, 52.212-4, FAR 52.212-3 AND 52.212-5 ARE ATTACHED. ADDENDA						X ARE ARE NOT ATTACHED.					
27b CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52.212-4 FAR 52.212-5 IS ATTACHED. ADDENDA						ARE ARE NOT ATTACHED.					
28 CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN COPIES TO ISSUING OFFICE. CONTRACTOR AGREES TO FURNISH AND DELIVER ALL ITEMS SET FORTH OR OTHERWISE IDENTIFIED ABOVE AND ON ANY ADDITIONAL SHEETS SUBJECT TO THE TERMS AND CONDITIONS SPECIFIED						29 AWARD OF CONTRACT: REF. OFFER DATED YOUR OFFER ON SOLICITATION (BLOCK 5), INCLUDING ANY ADDITIONS OR CHANGES WHICH ARE SET FORTH HEREIN, IS ACCEPTED AS TO ITEMS.					
30a SIGNATURE OF OFFEROR/CONTRACTOR						31a UNITED STATES OF AMERICA (SIGNATURE OF CONTRACTING OFFICER)					
30b NAME AND TITLE OF SIGNER (Type or print)			30c DATE SIGNED			31b NAME OF CONTRACTING OFFICER (Type or print)			31c DATE SIGNED		
						(b)(6); (b)(7)(C)					

18 ITEM NO	20 SCHEDULE OF SUPPLIES/SERVICES	21 QUANTITY	22 UNIT	23 UNIT PRICE	24 AMOUNT
(b)(4); (b)(7)(E)				\$ _____	\$ _____
				\$ _____	\$ _____
				\$ _____	\$ _____
				\$ _____	\$ _____
				\$ _____	\$ _____
				\$ _____	\$ _____
				\$ _____	\$ _____
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				\$ _____	\$ _____
				\$ _____	\$ _____
				\$ _____	\$ _____
				\$ _____	\$ _____
				\$ _____	\$ _____
				\$ _____	\$ _____

Continued ...

32a QUANTITY IN COLUMN 21 HAS BEEN

RECEIVED INSPECTED ACCEPTED, AND CONFORMS TO THE CONTRACT, EXCEPT AS NOTED: _____

32b. SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE 32c. DATE 32d. PRINTED NAME AND TITLE OF AUTHORIZED GOVERNMENT REPRESENTATIVE

32e. MAILING ADDRESS OF AUTHORIZED GOVERNMENT REPRESENTATIVE 32f. TELEPHONE NUMBER OF AUTHORIZED GOVERNMENT REPRESENTATIVE
 32g. E-MAIL OF AUTHORIZED GOVERNMENT REPRESENTATIVE

33 SHIP NUMBER 34. VOUCHER NUMBER 35 AMOUNT VERIFIED CORRECT FOR 36. PAYMENT 37. CHECK NUMBER

PARTIAL FINAL COMPLETE PARTIAL FINAL

38 S/R ACCOUNT NUMBER 39. S/R VOUCHER NUMBER 40. PAID BY

41a I CERTIFY THIS ACCOUNT IS CORRECT AND PROPER FOR PAYMENT 42a. RECEIVED BY (Print)

41b SIGNATURE AND TITLE OF CERTIFYING OFFICER 41c. DATE 42b RECEIVED AT (Location)

42c. DATE REC'D (YY/MM/DD) 42d. TOTAL CONTAINERS

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
HSCEMD-14-Q-00028

PAGE OF
3 18

NAME OF OFFEROR OR CONTRACTOR

ITEM NO (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
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(b)(4); (b)(7)(E)

\$ _____ \$ _____

\$ _____ \$ _____

\$ _____ \$ _____

\$ _____ \$ _____

\$ _____ \$ _____

CONTINUATION SHEET

REFERENCE NO OF DOCUMENT BEING CONTINUED
HSCEMD-14-Q-00028

PAGE OF
4 18

NAME OF OFFEROR OR CONTRACTOR

ITEM NO (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	(b)(4); (b)(7)(E)				

See attached Addenda pages for applicable clauses and provisions.

From: (b)(6); (b)(7)(C)
Sent: 13 Jun 2013 15:31:32 +0000
To: (b)(6); (b)(7)(C)
Cc:
Subject: Award summary review (cald1).doc - HSCEMD-13-J-00015
Attachments: Award summary review (cald1).doc

(b)(6); (b)(7)(C)

Please see my comments concerning the award summary attached.

Please coordinate your revisions with me.

Thanks,

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Associate Legal Advisor
ICE Office of the Principal Legal Advisor
(p) 214.905 (b)(6);
(bb) 214.92 (b)(7)(C)

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REQUEST FOR LEGAL REVIEW

HSCEMD-13-J-00015 (HSI/Technical Operations Spectrum Support Services)

REQUEST DATE	DIVISION/OFFICE	CONTRACT SPECIALIST	TELEPHONE NO.
AQ DOC NO.	CONTRACTOR	CONTRACTING OFFICER	TELEPHONE NO.
CONTRACTING OFFICER'S COMMENTS		ATTORNEY'S COMMENTS	(b)(6); (b)(7)(C) 214-905 (b)(6); (b)(7)(C)
		<input type="checkbox"/> Legally Sufficient <input checked="" type="checkbox"/> Legally Sufficient Subject to Comments <input type="checkbox"/> Legally Insufficient (see comments below) DATE: June 13, 2013	
		(b)(5); (b)(7)(E)	

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(b)(5); (b)(7)(E)

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From: (b)(6); (b)(7)(C)
Sent: 30 May 2013 12:05:01 -0400
To: (b)(6); (b)(7)(C)
Subject: Award Summary
Attachments: Award Summary.docx

(b)(6);
(b)(7)(C)

Here's the award summary

Thank you

(b)(6); (b)(7)(C)

OAQ Mission Support Dallas | HSI-West | Contracting Officer

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-90(b)(6); **FAX: 214-905-5568**

Email:(b)(6); (b)(7)(C)

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**AWARD SUMMARY AND DOCUMENTATION OF SELECTION
MEMORANDUM**

PROJECT TITLE: Spectrum Professional Mission Support Services

PROGRAM OFFICE: Homeland Security Investigations (HSI)
Technical Operations (TechOps)

**PROCUREMENT
PARTICIPANTS**

(b)(6); (b)(7)(C)	Contracting Specialist (CS) Contract Officer (CO) Program Manager (PM) COTR National Program manager
(b)(6); (b)(7)(C)	Management Program Analyst
(b)(6); (b)(7)(C)	Technical Enforcement Officer

GOVERNMENT ESTIMATE: (b)(4)

	Base	1 st Option Year	2 nd Option Year	6 month Extension (52.217-8)	TOTAL
IGCE	(b)(4)				\$7,554,618.93

PERIOD OF PERFORMANCE: Base Period of 6 months plus two one year options. FAR Clause 52.217-8 Option to Extend Services was also evaluated.

CONTRACT TYPE: Time and Materials – Labor Hour

SOLICITATION NUMBER: 192113VHQ54SPC001

CONTRACTOR: ZANTECH IT Services, Inc.

CONTRACT NUMBER: TABSS Contract – HSCG23-12-D-ATB004

ORDER NUMBER: Order HSCEMD-13-J-00015

AWARD AMOUNT: (b)(4)

- Base Period
- 1st Option Year
- 2nd Option Year
- 6 Month Option

TOTAL WITH OPTIONS: \$ 5,979,448.80

This total does not include the travel CLIN. The RFQ stated “A Travel CLIN will be added to the task order and will not be used as part of the Total Price Evaluation”. In addition, the offerors were advised that all travel must be approved by the COR in advance and comply with the Federal Travel Regulation. The locations and durations of this travel will be determined as needed by the Government with an estimated 64 days total travel. \$ 50,000.00 was funded for the base period and additional funding, if needed, will be provided by the program office.

The following are the award amounts with the estimated travel CLIN:

AWARD AMOUNT:	(b)(4)	Base Period
		1 st Option year
		2 nd Option Year
	(b)(4)	- 6 Month Option - No Travel
TOTAL WITH OPTIONS & Travel:	(b)(4)	<u>\$6,129,448.80</u>

A. PURPOSE

The purpose of this memorandum is: (1) to obtain approval to issue a task order against a Technical, Acquisition and Business Support Services (TABSS) multiple-award indefinite delivery/indefinite quantity (IDIQ) contract (2) to document the best value determination as stated in the RFQ.

B. COMPLIANCE

1. FAR 10 and 11.101 - Market Research was conducted for the requirement. A request for information (RFI) along with a draft statement of work (SOW) was sent to the TABSS contractors and 4 small businesses responded. Tab 1-1 - market research & 2-24 - RFI.
2. HSAM 3007.172 - The acquisition has an Advance Acquisition Plan (AAP) in the Acquisition Planning Forecast System (APFS) database, number 201301142. Streamlined AP is not required per HSAM 3007.103(3)(viii). AAP under Tab 1-3.
3. HSAM 3019.202-271 - The Small Business Review is under tab 1-4.
4. FAR 7.503 - The determination that the services are not Inherently Governmental and approval from the Balance Workforce Strategy (BWS) Program Management Office is under Tab 2-12.
5. FAR 16 – The contract type determination is under Tab 2-14.
6. FAR 17.202 - Contract Options. The Contracting Officer has determined that the inclusion of the options is in the best interest of the Government. It is highly likely that the options will be exercised. The Government has a need for continuity of operations without the costs of disrupted support. Offers are evaluated inclusive of options and extension. The determination is under Tab 2-15.

7. TABSS Contracting Officer already made a responsibility determination at the contract level. In addition, the ordering Contracting Officer has verified that the awardee, Zantech IT Services, Inc., is active in the System for Award Management (SAM) and made a further responsibility determination. Tab 3-31

C. PROCUREMENT HISTORY

1. The Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), Technical Operations (TechOps), Investigative Intercept Section (IIS), and Covert Video Program (CVP) has a new requirement for non-personal services for temporary professional mission support services in project management, network engineering, help desk/remedy assistance, technical Subject Matter Expertise (SME), procurement and budget assistance, logistics management and facility (warehouse) support. These temporary services are needed in order to support the Congressional funded mandate (Commercial Spectrum Enhancement Act (CSEA)) to relocate radio communication systems from certain spectrum bands, which were authorized to be auction for commercial purposes.

2. Considering the priorities for use of government services of the Federal Acquisition Regulations (FAR) 8.002 (2), and the DHS Directive 060-01, market research indicated that mission support services are commercially available through the General Services Administration (GSA) Multiple Award Schedule (MAS) Program, and through the Program Management, Administrative, Clerical, and Technical Services (PACTS) and Technical, Acquisition and Business Support Services (TABSS), both mandatory vehicles for use in accordance with DHS Directive 060-01. Because the PACTS contracts do not have Engineering and Logistician labor categories, the TABSS contract was found to be the best solution to satisfy this requirement. See contract binder Tab 1-1 for market research.

3. On February 8, 2013, a Request for Information (RFI) along with a draft statement of work was sent to the TABSS contractors in Domain One, Track 2 and 3. Track 2 is the Small Business Track (6 contractors) and Track 3 is 8(a) Track (4 contractors). 4 contractors (3 small and 1 small disadvantaged) responded to the RFI and demonstrated the capabilities to perform all task under this requirement. Tab 2-24

4. On March 27, 2013, an RFQ was emailed to the TABSS contract holders in Domain One, Track 2 and Track 3; 6 - Small Business and 4 - 8(a) business, Ten (10) contractors in total. The cut-off date for questions was 1 April 2013 and the RFQ responses were due on 16 April, 2013 by 2:00 PM CST. Tabs 2-19

5. On 3 and 4 April 2013, emails were sent to the ten (10) contractors providing them a copy of the questions asked and the answers provided by the Government. The email dated 3 April 2013 also contained the 1st and only amendment to the RFQ. Tab 2-20 & 2-22.

6. On 16 April 2013, 5 quotes were received in response to the RFQ (Tab 3-28, 3-30 & abstract in 3-25). All Quotes were received on time from the following contractors:

- Zantech IT Services, Inc.
- Immersion Consulting
- BayFirst Solutions LLC
- Dynamis, Inc.
- Sev1Tech, Inc.

(The contractors list above is in the order the quotes were received)

7. On 17 April 2013, the Contracting Officer assembled the Technical Evaluation Committee (TEC) and briefed them on their responsibilities and duties via teleconference. Confidentiality of the source selection proceedings was discussed. The final conflict of interest and confidentiality certification was received from the last member of the team. The other certificates from each TEC member had been received 4-16 April 2013. (Tab 3-34). The evaluation procedures in accordance with the Evaluation Plan (Tab 1-8) were discussed. The Technical Evaluation Committee was requested to provide their evaluation results by Monday, 22 April 2013 but the TEC Chairperson requested the due date to be changed to Friday, 26 April 2013; request was granted.

8. On 26 April 2013, the Technical Evaluation Committee finalized their evaluation of the responses to the RFQ and submitted their evaluation report to the Contracting Office (Tab 3-27).

9. From 29 April 2013 to 3 May 2013 the Contracting Specialist and the Contracting Officers conducted an individual evaluation of all the quotes. CO and CS concluded that the TEC had rushed through the evaluation and did not apply the evaluation factors consistently to all the quotes.

10. On 3 May 2013 a phone conference was schedule by the Contracting Officer/Source Selection Authority and the teleconference took place on 6 May 2013 @ 2:00 EST. All members of the TEC, CS and CO were present for the telecom.

11. During the teleconference on 6 May 2013 the CO explained to the TEC his concerns with the evaluation and asked the TEC to please look closely at two of the vendors

(b)(5); (b)(7)(E)

(b)(5); (b)(7)(E)

12. (b)(5); (b)(7)(E)

(b)(5); (b)(7)(E)

13. On 14 May 2013 the TEC Chairperson submitted a detailed evaluation on (b)(7)(E) in question. The report was detailed but contained inaccurate statements and comments.

14. On 15 & 16 Mar 2013 the CS and CO corrected the evaluation noting all the discrepancies and on 16 March the CO/SSA notified the TEC of his decision; TEC Chairperson thanked the CO for the decision information (TAB – 3-27 #4)

D. BASIS FOR AWARD AND BEST VALUE ANALYSIS

The RFQ stated that the Government will award a Time and Material Task Order contract with fixed price hourly labor rates to the responsible offeror whose offer conforms to the RFQ will be the most advantageous and offers the best value to the Government. As stated in the RFQ, The evaluation criteria consist of the following factors in descending order of importance: (1) Performance Capability, (2) Past Performance, and (3) Price. The non-price factors of Performance Capability and Past Performance when combined are significantly more important than price. Offerors were informed that the Government reserved the right to award to other than the lowest price Offeror or other than the highest technically rated Offeror and as offers become more equal in non-price factors, price becomes more important.

As stated in the RFQ the Technical Evaluation Factor of Performance Capability is comprised of the following sub-factors: (a) Technical Approach, (b) Organization, (c) Personnel Qualifications, (d) Specialized Experience and (e) Quality Control. Offerors were informed that the Government after reviewing the sub-factors would assign an overall adjectival rating and that the sub-factors would not be separately rated.

As stated in the evaluation plan, offers could be rated Excellent, Good, Satisfactory, Marginal, or Unsatisfactory on the Performance Capability non-priced factor. For the Technical Evaluation Factor of Past Performance the Offerors would be assigned a risk rating of Low Risk, Moderate Risk, High Risk or Neutral/Unknown Risk.

(b)(5); (b)(7)(E)

PERFORMANCE CAPABILITY:

As stated in the RFQ, the evaluation of the Offeror’s technical approach looked at the Offeror’s existing capability to meet the Statement of Work (SOW) and how the Offeror would implement and manage effectively the various tasks required to accomplish the SOW to include the Offeror’s described method of providing supervision and the coordination of work. Offerors were evaluated on their submitted organizational structure, their resources, how their resources would be utilized and the roles and responsibilities of the team members. In addition, the Offerors were evaluated on their submitted staffing plan and their timeline for providing the required personnel in accordance with the SOW. The evaluation of the Offeror’s proposed personnel looked at the proposed employee’s education and relevant work experience qualifications to accomplish the SOW. The evaluation of Specialized Experience looked at the Offeror’s relevant/similar experience within the last three years that would enhance their performance capability on this requirement. Relevant/similar contracts were defined as contracts that were similar in complexity, scope of work and dollar magnitude. Each Offeror was given one overall adjective rating for Performance Capability, based upon the evaluation of all sub-factors. The evaluation of the Offeror’s Quality Control Plan (QCP) looked at how the Offeror was going to ensure the SOW performance standards and acceptable quality level requirements would be met. The technical evaluation worksheets and the Evaluation Team summary evaluation report is located in tab 3-27.

The TEC convened and conducted their evaluation and provided their technical evaluation report to the Contracting Officer (CO), who in this source selection is the Source Selection Authority (SSA). The CS and CO reviewed and considered the technical evaluation team’s technical evaluation summary report, as well as reviewed the Offerors’ proposals. The CS and CO identified several inconsistencies in the technical evaluation summary report related to specific findings concerning evaluated proposal features and in the correlation between specific findings and the technical ratings assigned. As a result, the CS and CO conducted an independent assessment of the offerors’ proposals in conjunction with a review of the entire evaluation record. Based on this assessment of the entire evaluation record, review of the technical proposals, and consultation with the TEC, the SSA assigned the following technical ratings:

OFFEROR’S PERFORMANCE CAPABILITY RATINGS:

(b)(5); (b)(7)(E)

(b)(5); (b)(7)(E)

(b)(5), (b)(7)(E)

(b)(5); (b)(7)(E)

OFFEROR'S PAST PERFORMANCE RISK RATINGS:

(b)(5); (b)(7)(E)

(b)(5); (b)(7)(E)

(b)(5); (b)(7)(E)

TECHNICAL NON-PRICE FACTORS RATING SUMMARY:

Below are the ratings for each non-price evaluation factor in the order the quotes were received:

(b)(5); (b)(7)(E)

PRICE:

TABBS ID/IQ Contracting Officer (b)(6); (b)(7)(C) has already determined the rates for services offered at hourly rates under the TABSS contracts to be fair and reasonable. In addition, the ordering CO has also made a price fair and reasonable determination based on the TABSS contracts and the competition for this task order.

The RFQ instructed that Offerors shall quote a Time and Materials (T&M) (Labor Hour) type of pricing structure. The not to exceed hours (NTE) have been provided by the Government. The offer must be priced by the unit hourly rate(s) and extended amount for each labor classification. Price the base period line item(s), both 12 month options and 6 month extension option. Offerors were instructed that the price evaluated will be the total pricing for the base, the 2 - twelve month option periods and option to extend period in accordance with FAR part 52.217-3. Offerors were provided a blank Line Item Pricing Schedule were they were instructed to provide their TABSS labor hour rates for each labor category, the quoted price and the extended price. From this schedule, the Government was able to ascertain any discounts provided from the TABSS contracts.

Each Offeror quoted unit and extended labor prices was entered on an Excel Worksheet in order to perform a price comparison and is attachment # 1 to the Award Summary Document. Below is a summary of the overall pricing quoted by each Offeror arranged in the order the quotes were received:

Pricing Summary Table:

Offeror	Base	Option 1	Option 2	6-Month Extension	TOTAL
Zantech IT Services	(b)(4)				
Dynamis, Inc					
Sev1Tech, Inc					

Immersion Consulting	(b)(4)
BayFirst Solutions, LLC	

TECHNICAL FACTORS RATING & PRICE SUMMARY:

Below is a summary of the evaluation of the technical non-price factors arranged in the order the quotes were received:

Offeror	Performance Capability	Past Performance	Price
(b)(4); (b)(5); (b)(7)(E)			

PRICE EVALUATION, LEVEL OF EFFORT AND LABOR MIX ANALYSIS:

The RFQ stated that offerors may use Attachment A “Line Item Pricing Schedule” to provide their pricing and are permitted to upgrade, down grade and/or change labor categories suitable to accomplish the requirement in the SOW. However, Government will consider the level of effort and the mix of labor proposed to perform the work in evaluating total price. The price evaluated will be the total pricing for the base, the 2-twelve month option periods and option to extend period in accordance with FAR part 52.217-3. Because the Government stated on the RFQ that the non-price factors of Performance Capability and Past Performance when combined are significantly more important than price, the price evaluation was limited to the two highest performance capability and past performance of low risk offers; It was unlikely that the award would be made to a lower performance capability rating. (b)(5); (b)(7)(E)

(b)(5); (b)(7)(E)

The Government’s requirement included nine labor classifications, which were: Project Manager, Senior Computer Systems Specialist, Junior Acquisition Specialist, Logistician, Software Engineer, Senior Engineer, Junior Engineer, Engineer and Senior Program Management Specialist. The level of effort required by the SOW, in regards to number of personnel needed and hours required by labor category for each labor category was established by the Government. The offerors were permitted to upgrade, down grade and/or change labor

categories suitable to accomplish the requirement in the SOW, but only Zantech changed one labor category.

The SOW stated the required education and experience needed for each labor category, which provided the prospective Offerors the information needed to help them determine the labor mix. The minimum education and experience requirement stated in the SOW for each labor classification are as follows:

Project Manager - B.A. or B.S. degree & eight (8) years' experience in managing large, complex technical efforts involving multiple facets of an engineering discipline.

Senior Computer Systems Specialist - B.A. or B.S. degree & minimum of five (5) years' experience in assisting with large, complex technical efforts involving multiple facets of large projects and programs.

Junior Acquisition Specialist - Bachelor's Degree in Acquisitions, Accounting or Business & minimum of two (2) years Relevant Experience.

Logistician - High School Diploma & five (5) years' warehousing experience.

Software Engineer - B.A. or B.S. degree in relevant field & six (6) years minimum experience of specialized experience including knowledge of covert video, as well as networking and email standards and work on a help desk.

Senior Engineer - Master of Science in any Engineering discipline & Twelve (12) years total; Six (6) years minimum in specialty, or equivalent work experience

Junior Engineer - BA/BS in any Engineering discipline & minimum experience of four (4) years total; Two (2) years minimum in specialty, or equivalent work experience.

Engineer - BA/BS in a relevant field & Six (6) years total; Two (2) years minimum in specialty, or equivalent work experience.

Senior Program Management Specialist - B.A. or B.S. degree & minimum experience of five (5) years' experience in assisting with large, complex technical efforts involving multiple facets of large projects and programs.

Zantech IT Services, Inc.

Level of Effort & Labor Mix. Zantech proposed using their TABSS Pricelist labor classifications of Senior Business Subject Matter Expert for the Government's Project Manager. All the other labor classifications were the same as the Government.

The RFQ required the Offerors to list the education and experience levels of all their proposed personnel. The labor mix, except for one senior engineer, proposed by Zantech met or exceeded the Government's education and experience requirement. The labor mix proposed by Zantech is the appropriate labor category from their TABSS pricelist. The level of effort and labor mix is commensurate with the work required.

Price Analysis. (b)(5); (b)(7)(E) The quoted price (b)(4) included services for the base (six months), the two option years and the 6-month extension. The hourly rates for the labor category on TABSS pricelist and proposed discounted hourly rates are:

Direct Labor by Category	Base Period			Option 1			Option 2			Extension		
	TABBS Rate	Proposed Rate	% Diff	TABBS Rate	Proposed Rate	% Diff	TABBS Rate	Proposed Rate	% Diff	TABBS Rate	Proposed Rate	% Diff
Senior Business Subject Matter Expert*	(b)(4)											
Senior Computer Systems Specialist	(b)(4)											
Junior Acquisition Analyst	(b)(4)											
Logistician (3)	(b)(4)											
Software Engineer/Analyst (2)	(b)(4)											
Senior Engineer (2)	(b)(4)											
Junior Engineer (2)	(b)(4)											
Engineer	(b)(4)											
Senior Program Management Specialist (2)	(b)(4)											

BayFirst Solutions, LLC.

Level of Effort & Labor Mix. BayFirst proposed using their TABSS Pricelist labor classifications same as identified by the Government.

The RFQ required the Offerors to list the education and experience levels of all their proposed personnel. Most of the labor mix proposed by BayFirst met or exceeded the Government’s education and experience requirement. 2 of the 3 logisticians and the 2 software engineers did not show to have the level of experience outlined in the SOW

The labor mix proposed by BayFirst is the appropriate labor category from their TABSS pricelist. The level of effort and labor mix is commensurate with the work required.

Price Analysis. (b)(5); (b)(7)(E) BayFirst quoted price of (b)(4) included services for the base (six months), the two option years and the 6-month extension. The hourly rates for the labor category on TABSS pricelist and proposed discounted hourly rates are:

Direct Labor by Category	Base Period			Option 1			Option 2			Extension		
	TABBS Rate	Proposed Rate	% Diff	TABBS Rate	Proposed Rate	% Diff	TABBS Rate	Proposed Rate	% Diff	TABBS Rate	Proposed Rate	% Diff
Project Manager	(b)(4)											
Senior Computer Systems Specialist	(b)(4)											
Junior Acquisition Analyst	(b)(4)											
Logistician (3)	(b)(4)											
Software Engineer/Analyst (2)	(b)(4)											
Senior Engineer (2)	(b)(4)											
Junior Engineer (2)	(b)(4)											
Engineer	(b)(4)											
Senior Program Management Specialist (2)	(b)(4)											

BEST VALUE TRADE-OFF:

The RFQ stated that the non-price factors of Performance Capability and Past Performance when combined were significantly more important than Price. Also, the RFQ stated that the Government reserved the right to award to other than the lowest price Offeror or other than the highest technically rated Offeror.

The evaluation ratings and price for the two highest performance capability and past performance of low risk offers following table:

Offeror	Performance Capability	Past Performance	Price
(b)(4); (b)(5); (b)(7)(E)			

(b)(5); (b)(7)(E)

E. CONCLUSION

(b)(5)

(b)(6); (b)(7)(C)

Contract Administrator

(b)(6); (b)(7)(C)

Contracting Officer

From: (b)(6); (b)(7)(C)
Sent: 13 Jun 2013 20:03:51 +0000
To: (b)(6); (b)(7)(C)
Cc:
Subject: FW: Award summary review (cald1).doc - HSCEMD-13-J-00015
Attachments: Award summary review (response).doc, Award Summary after Amendment 2.docx, Award Summary after Amendment 2(cald2).docx

(b)(6);

Thanks. Please see attached award summary (cald2), for proposed revision. No legal objections.

Thanks,

(b)(6); (b)(7)(C)

Associate Legal Advisor
ICE Office of the Principal Legal Advisor

(p) 214.90 (b)(6);
(bb) 214.9 (b)(7)(C)

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From: (b)(6); (b)(7)(C)

Sent: Thursday, June 13, 2013 2:12 PM

To: (b)(6); (b)(7)(C)

Cc:

Subject: RE: Award summary review (cald1).doc - HSCEMD-13-J-00015

(b)(6); (b)(7)(C)

Here's the revised award summary and legal review form.

Thank you sir

(b)(6); (b)(7)(C)

OAQ Mission Support Dallas | HSI-West | Contracting Officer
DHS | ICE | Office of Acquisition Management (OAQ)
Phone: 214-905-(b)(6) **FAX:** 214-905-5568
Email: mario.curriel@ice.dhs.gov

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From: (b)(6); (b)(7)(C)
Sent: Thursday, June 13, 2013 10:32 AM
To: (b)(6); (b)(7)(C)
Cc: [Redacted]
Subject: Award summary review (cald1).doc - HSCEMD-13-J-00015

(b)(6); (b)(7)(C)

Please see my comments concerning the award summary attached.

Please coordinate your revisions with me.

Thanks

(b)(6);
(b)(7)(C)

(b)(6); (b)(7)(C)

Associate Legal Advisor
ICE Office of the Principal Legal Advisor
(p) 214.905 (b)(6);
(bb) 214.92 (b)(7)(C)

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REQUEST FOR LEGAL REVIEW

HSCEMD-13-J-00015 (HSI/Technical Operations Spectrum Support Services)

REQUEST DATE	DIVISION/OFFICE	CONTRACT SPECIALIST	TELEPHONE NO.
AQ DOC NO.	CONTRACTOR	CONTRACTING OFFICER	TELEPHONE NO.
CONTRACTING OFFICER'S COMMENTS		ATTORNEY'S COMMENTS	(b)(6); (b)(7)(C) 214-905 (b)(6); (b)(7)(C)
(b)(5); (b)(7)(E)		<input type="checkbox"/> Legally Sufficient <input checked="" type="checkbox"/> Legally Sufficient Subject to Comments <input type="checkbox"/> Legally Insufficient (see comments below) DATE: June 13, 2013	
		(b)(5); (b)(7)(E)	

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(b)(5); (b)(7)(E)

(b)(5); (b)(7)(E)

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**AWARD SUMMARY AND DOCUMENTATION OF SELECTION
MEMORANDUM**

PROJECT TITLE: Spectrum Professional Mission Support Services

PROGRAM OFFICE: Homeland Security Investigations (HSI)
Technical Operations (TechOps)

**PROCUREMENT
PARTICIPANTS**

(b)(5); (b)(7)(E)	Contracting Specialist (CS)
(b)(5); (b)(7)(E)	Contract Officer (CO)
(b)(5); (b)(7)(E)	Program Manager (PM)
(b)(5); (b)(7)(E)	COTR
(b)(5); (b)(7)(E)	National Program manager
(b)(5); (b)(7)(E)	Management Program Analyst
(b)(5); (b)(7)(E)	Technical Enforcement Officer

GOVERNMENT ESTIMATE: (b)(4)

	Base	1st Option Year	2nd Option Year	6 month Extension (52.217-8)	TOTAL
IGCE	(b)(4)				

PERIOD OF PERFORMANCE: Base Period of 6 months plus two one year options. FAR Clause 52.217-8 Option to Extend Services was also evaluated.

CONTRACT TYPE: Time and Materials – Labor Hour

SOLICITATION NUMBER: 192113VHQ54SPC001

CONTRACTOR: ZANTECH IT Services, Inc.

CONTRACT NUMBER: TABSS Contract – HSCG23-12-D-ATB004

ORDER NUMBER: Order HSCEMD-13-J-00015

AWARD AMOUNT: (b)(4) Base Period
1st Option Year
2nd Option Year
6 Month Option

TOTAL WITH OPTIONS: \$ 5,727,924.80

This total does not include the travel CLIN. The RFQ stated “A Travel CLIN will be added to the task order and will not be used as part of the Total Price Evaluation”. In addition, the Offerors were advised that all travel must be approved by the COR in advance and comply with the Federal Travel Regulation. The locations and durations of this travel will be determined as needed by the Government with an estimated 64 days total travel. \$ 50,000.00 was funded for the base period and additional funding, if needed, will be provided by the program office.

The following are the award amounts with the estimated travel CLIN:

AWARD AMOUNT:	(b)(4)	Base Period
		1 st Option Year
		2 nd Option Year
	(b)(4)	- 6 Month Option - No Travel
TOTAL WITH OPTIONS & Travel:	(b)(4)	= \$5,877,924.80

A. PURPOSE

The purpose of this memorandum is: (1) to obtain approval to issue a task order against a Technical, Acquisition and Business Support Services (TABSS) multiple-award indefinite delivery/indefinite quantity (IDIQ) contract (2) to document the best value determination as stated in the RFQ.

B. COMPLIANCE

1. FAR 10 and 11.101 - Market Research was conducted for the requirement. A request for information (RFI) along with a draft statement of work (SOW) was sent to the TABSS contractors and 4 small businesses responded. Tab 1-1 - market research & 2-24 - RFI.
2. HSAM 3007.172 - The acquisition has an Advance Acquisition Plan (AAP) in the Acquisition Planning Forecast System (APFS) database, number 201301142. Streamlined AP is not required per HSAM 3007.103(3)(viii). AAP under Tab 1-3.
3. HSAM 3019.202-271 - The Small Business Review is under tab 1-4.
4. FAR 7.503 - The determination that the services are not Inherently Governmental and approval from the Balance Workforce Strategy (BWS) Program Management Office is under Tab 2-12.
5. FAR 16 – The contract type determination is under Tab 2-14.
6. FAR 17.202 - Contract Options. The Contracting Officer has determined that the inclusion of the options is in the best interest of the Government. It is highly likely that the options will be exercised. The Government has a need for continuity of operations without the costs of disrupted support. Offers are evaluated inclusive of options and extension. The determination is under Tab 2-15.

7. TABSS Contracting Officer already made a responsibility determination at the contract level. In addition, the ordering Contracting Officer has verified that the awardee, Zantech IT Services, Inc., is active in the System for Award Management (SAM) and made a further responsibility determination. Tab 3-31

C. PROCUREMENT HISTORY

1. The Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), Technical Operations (TechOps), Investigative Intercept Section (IIS), and Covert Video Program (CVP) has a new requirement for non-personal services for temporary professional mission support services in project management, network engineering, help desk/remedy assistance, technical Subject Matter Expertise (SME), procurement and budget assistance, logistics management and facility (warehouse) support. These temporary services are needed in order to support the Congressional funded mandate (Commercial Spectrum Enhancement Act (CSEA)) to relocate radio communication systems from certain spectrum bands, which were authorized to be auction for commercial purposes.

2. Considering the priorities for use of government services of the Federal Acquisition Regulations (FAR) 8.002 (2), and the DHS Directive 060-01, market research indicated that mission support services are commercially available through the General Services Administration (GSA) Multiple Award Schedule (MAS) Program, and through the Program Management, Administrative, Clerical, and Technical Services (PACTS) and Technical, Acquisition and Business Support Services (TABSS), both mandatory vehicles for use in accordance with DHS Directive 060-01. Because the PACTS contracts do not have Engineering and Logistician labor categories, the TABSS contract was found to be the best solution to satisfy this requirement. See contract binder Tab 1-1 for market research.

3. On February 8, 2013, a Request for Information (RFI) along with a draft statement of work was sent to the TABSS contractors in Domain One, Track 2 and 3. Track 2 is the Small Business Track (6 contractors) and Track 3 is 8(a) Track (4 contractors). 4 contractors (3 small and 1 small disadvantaged) responded to the RFI and demonstrated the capabilities to perform all task under this requirement. Tab 2-24

4. On March 27, 2013, an RFQ was emailed to the TABSS contract holders in Domain One, Track 2 and Track 3; 6 - Small Business and 4 - 8(a) business, Ten (10) contractors in total. The cut-off date for questions was 1 April 2013 and the RFQ responses were due on 16 April, 2013 by 2:00 PM CST. Tabs 2-19

5. On 3 and 4 April 2013, emails were sent to the ten (10) contractors providing them a copy of the questions asked and the answers provided by the Government. The email dated 3 April 2013 also contained the 1st and only amendment to the RFQ. Tab 2-20 & 2-22.

6. On 16 April 2013, 5 quotes were received in response to the RFQ (Tab 3-28, 3-30 & abstract in 3-25). All Quotes were received on time from the following contractors:

- Zantech IT Services, Inc.

- Immersion Consulting
- BayFirst Solutions LLC
- Dynamis, Inc.
- Sev1Tech, Inc.

(The contractors list above is in the order the original quotes were received)

7. On 17 April 2013, the Contracting Officer assembled the Technical Evaluation Committee (TEC) and briefed them on their responsibilities and duties via teleconference. Confidentiality of the source selection proceedings was discussed. The final conflict of interest and confidentiality certification was received from the last member of the team. The other certificates from each TEC member had been received 4-16 April 2013. (Tab 3-34). The evaluation procedures in accordance with the Evaluation Plan (Tab 1-8) were discussed. The Technical Evaluation Committee was requested to provide their evaluation results by Monday, 22 April 2013 but the TEC Chairperson requested the due date to be changed to Friday, 26 April 2013; request was granted.

8. On 26 April 2013, the Technical Evaluation Committee finalized their evaluation of the responses to the RFQ and submitted their evaluation report to the Contracting Office (Tab 3-27).

9. From 29 April 2013 to 3 May 2013 the Contracting Specialist and the Contracting Officers conducted an individual evaluation of all the quotes. CO and CS concluded that the TEC had rushed through the evaluation and did not apply the evaluation factors consistently to all the quotes.

10. On 3 May 2013 a phone conference was schedule by the Contracting Officer/Source Selection Authority and the teleconference took place on 6 May 2013 @ 2:00 EST. All members of the TEC, CS and CO were present for the telecom.

11. During the teleconference on 6 May 2013 the CO explained to the TEC his concerns with the evaluation and asked the TEC to please look closely at two of the Offerors. (b)(5); (b)(7)(E)

(b)(5); (b)(7)(E)

12. (b)(5); (b)(7)(E)

(b)(5); (b)(7)(E)

13. On 14 May 2013 the TEC Chairperson submitted a detailed evaluation on the two offeror's in question. The report was detailed but contained inaccurate statements and comments.

14. On 15 & 16 May 2013 the CS and CO corrected the evaluation noting all the discrepancies and on 16 May the CO/SSA notified the TEC of his decision; TEC Chairperson thanked the CO for the decision information (TAB – 3-27 #4)

15. On 22 & 23 May 2013 the OAQ Deputy Assistant Director for the HSI, West Team and the Assistant Director for OAQ Dallas reviewed and concurred with the award summary.

16. On 29 May 2013, OPLA gave OAQ a “verbal” notification that the award was not legally sufficient. OPLA’s opinion was based on the Key Personnel minimum qualifications. None of the proposals had offered key personnel that met all the minimum qualifications (experience). In support of making the award, the CO cited case no. 00-579 in the United States Court of Federal Claims where the Court of Federal Claims differentiates between “minimum requirements” and “mandatory minimum requirements” the Court stated “*Rather this court is obliged to look to the Solicitation in determining whether the minimum personnel requirements, combined with the clause requiring that complying resumes be submitted for each of the key positions, comprised a mandatory minimum requirement.*”. OPLA did not agree and cited GAO case B-406708; in this case, one of the Offerors quote was rated “Unacceptable” because the key personnel did not meet the minimum requirements and GAO agreed.

17. Between 29 May and 3 June 2013, OAQ met with the Program office to determine the actual qualification level required for personnel experience. OAQ in conjunction with OPLA and with the Program offices’ approval changed some of the minimum experiences to desirable experiences in the SOW/RFQ.

18. On 3 June 2013 the amendment to the RFQ reflecting the changes to the desirable experiences was sent to the 5 Offerors whom originally had responded to the RFQ and allowed for submission of revised proposals if the Offerors needed to submit one. Due date for revised proposal (if needed) was 6 June 2013 @ 4:00 PM CST.

19. Questions concerning the amendment were submitted to the CO on 3 June 2013 and answers were provided to all 5 Offerors the same day.

20. On 6 June 2013, all 5 Offerors provided revised proposals.

21. On 7 June 2013 the CS and CO evaluated the changes to the previously evaluated proposals and prepared this award summary.

D. BASIS FOR AWARD AND BEST VALUE ANALYSIS

The RFQ stated that the Government will award a Time and Material Task Order contract with fixed price hourly labor rates to the responsible offeror whose offer conforms to the RFQ will be the most advantageous and offers the best value to the Government. As stated in the RFQ, The evaluation criteria consist of the following factors in descending order of importance: (1) Performance Capability, (2) Past Performance, and (3) Price. The non-price factors of Performance Capability and Past Performance when combined are significantly more important than price. Offerors were informed that the Government reserved the right to award to other than

the lowest price Offeror or other than the highest technically rated Offeror and as offers become more equal in non-price factors, price becomes more important.

As stated in the RFQ the Technical Evaluation Factor of Performance Capability is comprised of the following sub-factors: (a) Technical Approach, (b) Organization, (c) Personnel Qualifications, (d) Specialized Experience and (e) Quality Control. Offerors were informed that the Government after reviewing the sub-factors would assign an overall adjectival rating and that the sub-factors would not be separately rated.

As stated in the evaluation plan, offers could be rated Excellent, Good, Satisfactory, Marginal, or Unsatisfactory on the Performance Capability non-priced factor. For the Technical Evaluation Factor of Past Performance the Offerors would be assigned a risk rating of Low Risk, Moderate Risk, High Risk or Neutral/Unknown Risk.

Offeror	Performance Capability	Past Performance	Price
(b)(4); (b)(5); (b)(7)(E)			

PERFORMANCE CAPABILITY:

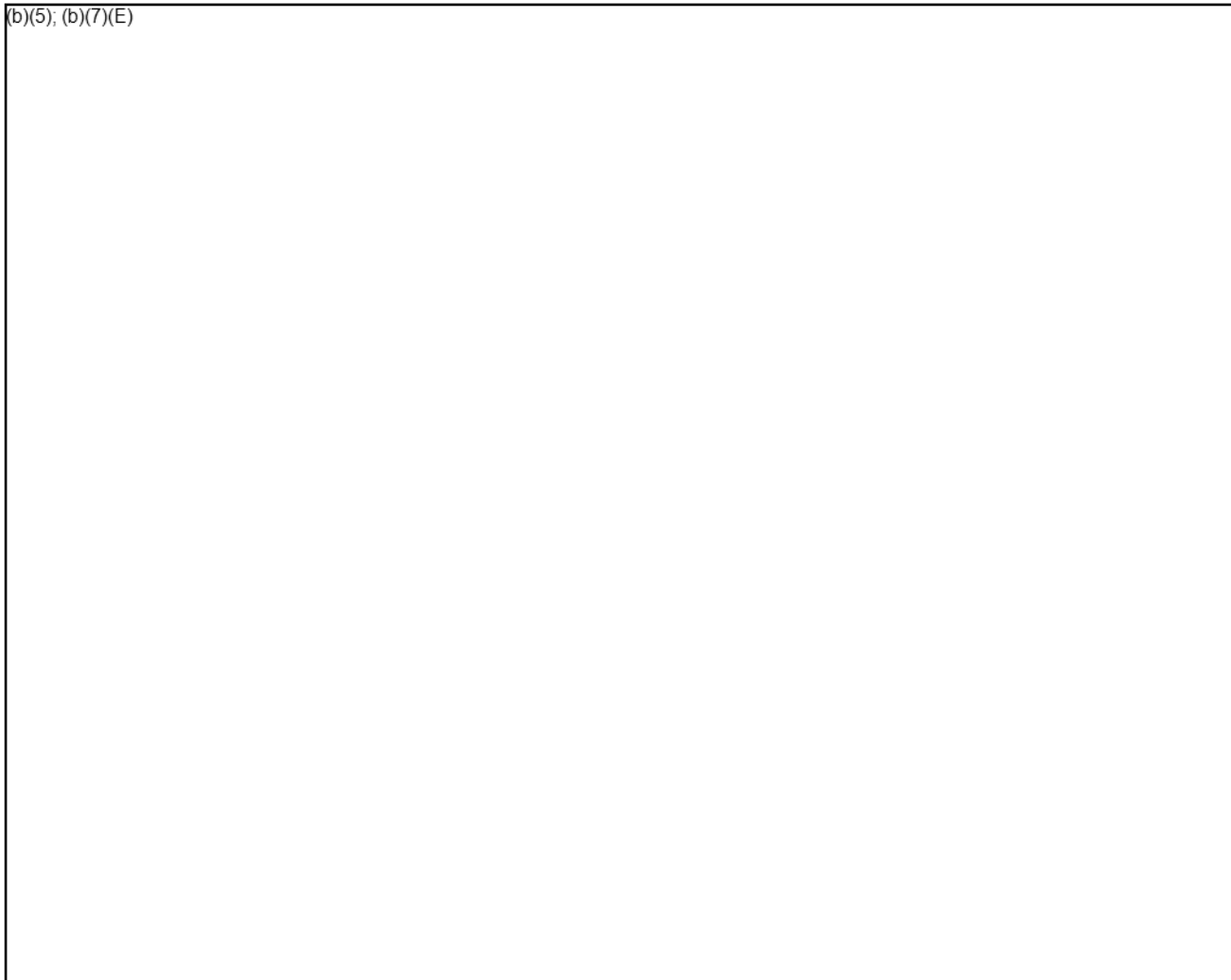
As stated in the RFQ, the evaluation of the Offeror’s technical approach looked at the Offeror’s existing capability to meet the Statement of Work (SOW) and how the Offeror would implement and manage effectively the various tasks required to accomplish the SOW to include the Offeror’s described method of providing supervision and the coordination of work. Offerors were evaluated on their submitted organizational structure, their resources, how their resources would be utilized and the roles and responsibilities of the team members. In addition, the Offerors were evaluated on their submitted staffing plan and their timeline for providing the required personnel in accordance with the SOW. The evaluation of the Offeror’s proposed personnel looked at the proposed employee’s education and relevant work experience qualifications to accomplish the SOW. The evaluation of Specialized Experience looked at the Offeror’s relevant/similar experience within the last three years that would enhance their performance capability on this requirement. Relevant/similar contracts were defined as contracts that were similar in complexity, scope of work and dollar magnitude. The evaluation of the Offeror’s Quality Control Plan (QCP) looked at how the Offeror was going to ensure the SOW performance standards and acceptable quality level requirements would be met. Each Offeror was given one overall adjective rating for Performance Capability, based upon the evaluation of all sub-factors. The technical evaluation worksheets and the Evaluation Team summary evaluation report is located in tab 3-27.

The TEC convened and conducted their evaluation and provided their technical evaluation report to the Contracting Officer (CO), who in this source selection is the Source Selection Authority (SSA). The CS and CO reviewed and considered the technical evaluation team’s technical

evaluation summary report, as well as reviewed the Offerors' proposals. The CS and CO identified several inconsistencies in the technical evaluation summary report related to specific findings concerning evaluated proposal features and in the correlation between specific findings and the technical ratings assigned. As a result, the CS and CO conducted an independent assessment of the Offerors' proposals in conjunction with a review of the entire evaluation record. The CS and CO also independently evaluated the revised proposals that were a result of amendment 2. Three of the revised proposals had minor changes in the Performance Capability, one offeror changed two of the key personnel and one offeror changed one of the key personnel. Two of the proposals included price changes. Based on the assessment of the entire evaluation record, review of the technical proposals and revised technical proposals, and consultation with the TEC, the SSA assigned the following technical ratings:

OFFEROR'S PERFORMANCE CAPABILITY RATINGS:

(b)(5); (b)(7)(E)



(b)(5); (b)(7)(E)

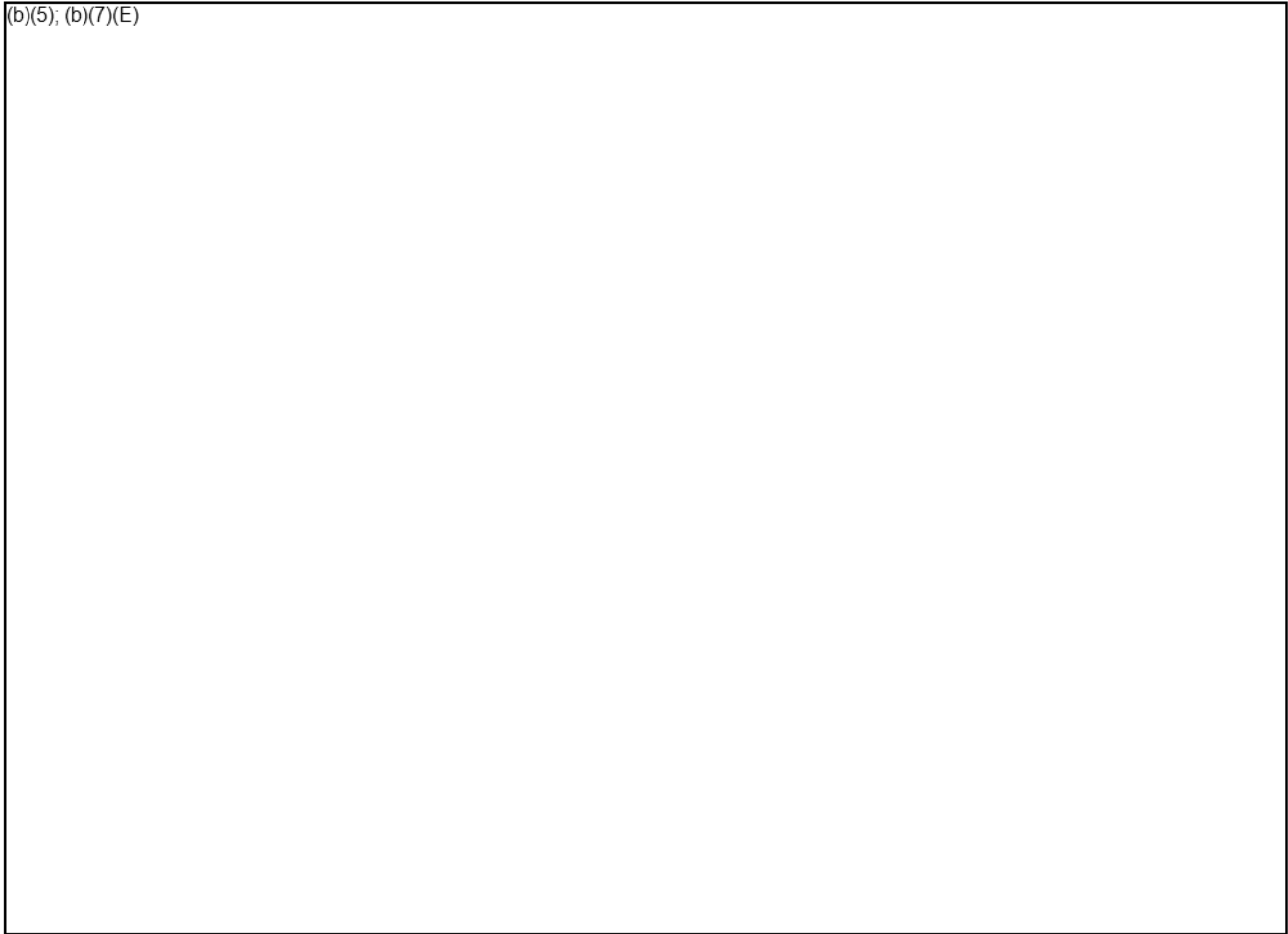
(b)(5); (b)(7)(E)

(b)(5); (b)(7)(E)

(b)(5); (b)(7)(E)

(b)(5); (b)(7)(E)

(b)(5); (b)(7)(E)



TECHNICAL NON-PRICE FACTORS RATING SUMMARY:

Below are the ratings for each non-price evaluation factor in the order the quotes were received:

Offeror	Performance Capability	Past Performance
(b)(7)(E); (b)(5)		

PRICE:

TABBS ID/IQ Contracting Officer, (b)(6); (b)(7)(C) has already determined the rates for services offered at hourly rates under the TABSS contracts to be fair and reasonable. In addition, the ordering CO has also made a price fair and reasonable determination based on the TABSS contracts and the competition for this task order.

From: (b)(6); (b)(7)(C)
Sent: 22 Jul 2014 16:44:00 -0400
To: (b)(6); (b)(7)(C)
Subject: FW: Commercial or Non-commercial Item, that is the question

FYI. Quick turnaround.

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas (IOSD-East) | Contracting Officer
DHS | ICE | Office of Acquisition Management (OAQ)
Phone: 214-905- (b)(6); (b)(7)(C)
Email: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)
Sent: Tuesday, July 22, 2014 3:40 PM
To: (b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
Subject: RE: Commercial or Non-commercial Item, that is the question

(b)(6); (b)(7)(C); (b)(5); (b)(7)(E)

(b)(6); (b)(7)(C); (b)(5); (b)(7)(E)

V/R

(b)(6); (b)(7)(C)

Contracts Manager

Harris Corporation

Phone: 321-30

(b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)
Sent: Tuesday, July 22, 2014 4:28 PM
To: (b)(6); (b)(7)(C)
Subject: Commercial or Non-commercial Item, that is the question
Importance: High

Team:

(b)(5); (b)(7)(E)

Please advise ASAP. Many thanks.

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas (IOSD-East) | Contracting Officer

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-905-5

Email:

(b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)
Sent: 10 Nov 2015 16:49:35 -0500
To: (b)(6); (b)(7)(C)
Subject: FW: Stingrays/FYI

Thanks (b)(6); (b)(7)(C) I forwarded your email to (b)(6); (b)(7)(C) Chief HSILD, for his awareness.

(b)(6); (b)(7)(C)

Chief
Commercial and Administrative Law Division

p: 202.732 (b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: Tuesday, November 10, 2015 10:40 AM
To: (b)(6); (b)(7)(C)
Subject: FW: Stingrays/FYI

FYSA

From: (b)(6); (b)(7)(C)
Sent: Tuesday, November 10, 2015 8:21 AM
To: (b)(6); (b)(7)(C)
Subject: FW: Stingrays/FYI

(b)(6); (b)(7)(C)

FYI- We have bought Stingrays down here for the past several years.

V/r,

(b)(6); (b)(7)(C)

Associate Legal Advisor
ICE Office of the Principal Legal Advisor

(o) 214.9 (b)(6); (b)(7)(C)
(c) 214.92 (b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: Tuesday, November 10, 2015 7:17 AM
To: (b)(6); (b)(7)(C)
Subject: Stingrays/FYI

(b)(7)(E)

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas | Deputy Assistant Director
DHS | ICE | Office of Acquisition Management (OAQ)
Phone: 214-905-(b)(6);
Blackberry: 202-380-(b)(6);
Email: (b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: 13 Jun 2016 12:13:35 -0400
To: (b)(6); (b)(7)(C)
Subject: Harris

Harris's Crossbows were the upgrade to Harris's Stingrays. This equipment is for

(b)(7)(E)

FYI: ICE could be procuring equipment to (b)(7)(E) I would reach out to (b)(6); (b)(7)(C) from Techops. He could provide more definitive information.

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas | Deputy Assistant Director
DHS | ICE | Office of Acquisition Management (OAQ)
Phone: 214-905-(b)(6);
Blackberry: 202-380-(b)(6);
Email: (b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: 21 Jan 2020 14:24:36 +0000
To: (b)(6); (b)(7)(C)
Subject: Harris Crossbow Bailment Agreement

Harris Crossbow Bailment Agreement

(b)(7)(E)

From: (b)(6); (b)(7)(C)
Sent: 18 Sep 2012 12:37:44 +0000
To: (b)(6); (b)(7)(C)
Cc:
Subject: FW: Proposed LSJ for purchase of a Crossbow System from Harris Corporation
Attachments: Sole Source Harris Crossbow System.doc, Sole Source Harris Crossbow System(cald1).doc
Importance: High

(b)(6);
(b)(7)(C)

Please take a look at my proposed edits. If you have questions, let's please discuss. Otherwise, I have no legal objection.

V/r

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Associate Legal Advisor
ICE Office of the Principal Legal Advisor
(p) 214.905 (b)(6);
(bb) 214.92 (b)(7)(C)

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~~552(b)(5), (b)(7)~~

~~**From:** (b)(6); (b)(7)(C)~~

~~**Sent:** Monday, September 17, 2012 4:37 PM~~

~~**To:** (b)(6); (b)(7)(C)~~

~~**Subject:** Porposed LSJ for purchase of a Crossbow System from Harris Corporation~~

~~**Importance:** High~~

Gentlemen:

I you would please review the attached draft document and provide your comments, I would appreciate it. (b)(7)(E)

(b)(7)(E)

I am trying to make award by this coming Friday, so I need your input quickly please. Many thanks.

(b)(6); (b)(7)(C)

Mission Support - Dallas (MSD), OI East Team – Contracting Officer
DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-900-(b)(6);

Email: (b)(6); (b)(7)(C)

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Office of Acquisition Management (OAQ)
Immigration & Customs Enforcement (ICE)
Department of Homeland Security (DHS)

Justification and Approval for other than Full and Open Competition

1. Agency and Contracting Activity

(b)(5); (b)(7)(E)

2. Nature and/or Description of the Action Being Approved

(b)(5); (b)(7)(E)

3. Description of Supplies/Services

(b)(5); (b)(7)(E)

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Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

(b)(5); (b)(7)(E)

4. Identification of Statutory Authority Permitting Other Than Full and Open Competition

(b)(5); (b)(7)(E)

5. Demonstration of the Contractor's Unique Qualifications or the Nature of the Acquisition Requires the Use of the Authority Cited

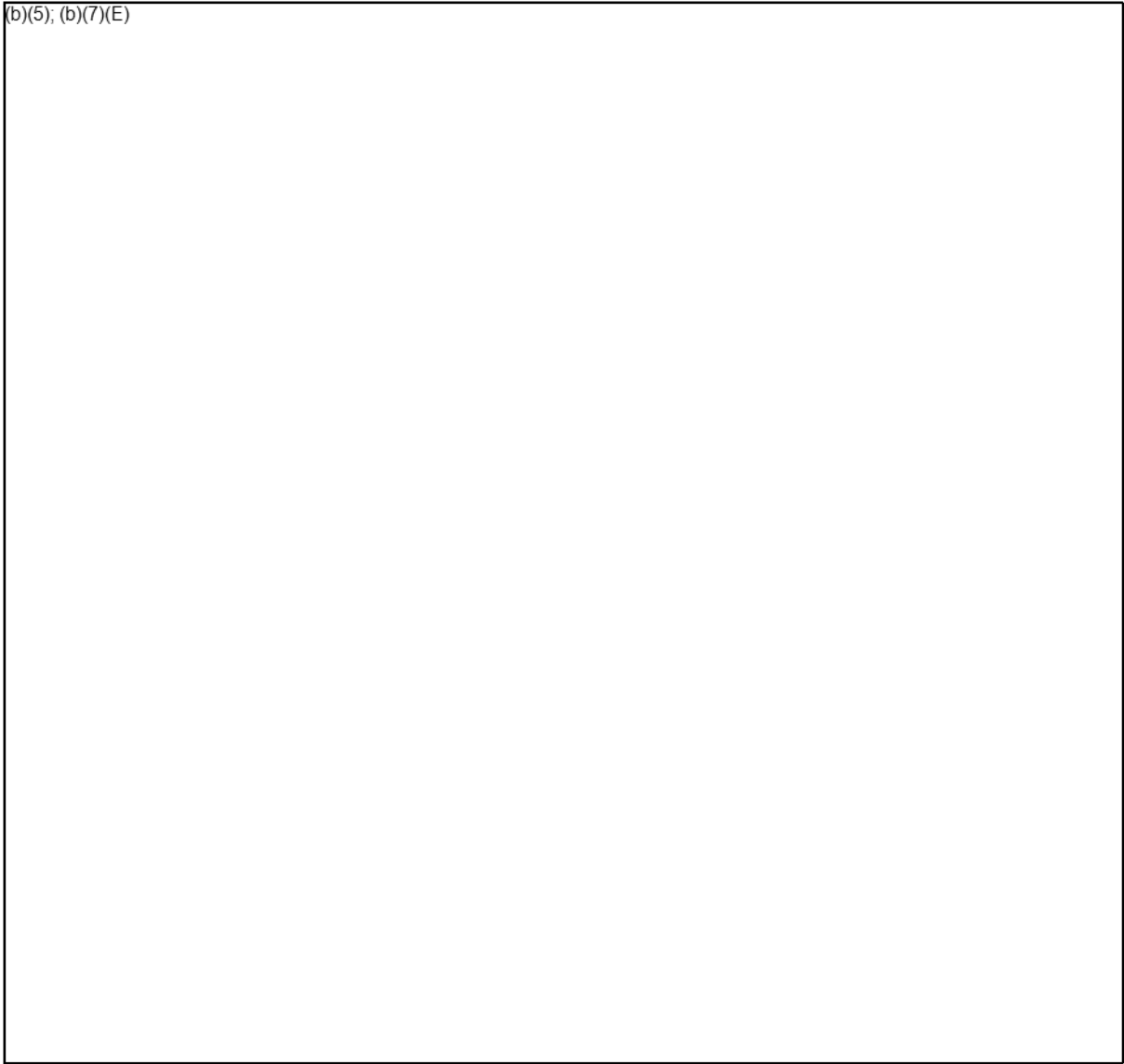
(b)(5); (b)(7)(E)

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Source Selection Sensitive in accordance with FAR 3.104-4

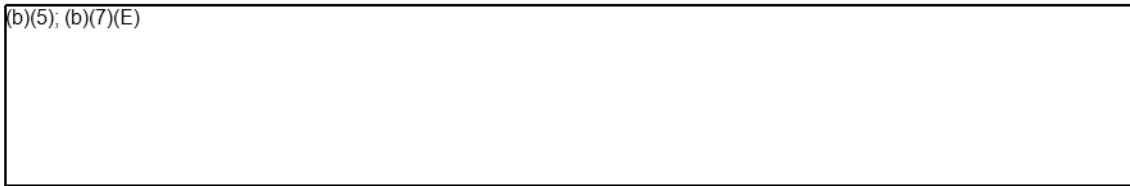
6. Efforts to Obtain Competition

(b)(5); (b)(7)(E)



7. Determination by the Contracting Officer that the Anticipated Cost to the Government Will be Fair and Reasonable

(b)(5); (b)(7)(E)



8. Description of Market Research

(b)(5); (b)(7)(E)

9. Any Other Facts Supporting the Use of Other than Full and Open Competition

(b)(5); (b)(7)(E)

10. Listing of Sources, if any, that Expressed in Writing and Interest in the Acquisition

(b)(5); (b)(7)(E)

11. A Statements of the Actions, if any, the Agency May Take to Remove or Overcome Barriers To Competition Before any Subsequent Acquisition for Supplies or Services Required

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

12. Certifications

I certify that the facts and representation under my cognizance, which are included in this justification, meet the Government’s minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

(b)(6); (b)(7)(C)

Date

Immigration and Customs Enforcement (ICE)
Technical Operations (Tech Ops)
Phone number: 703- (b)(6); _____

13. CONTRACTING OFFICER’S CERTIFICATION

I certify that the justification is accurate and complete to the best of my knowledge and belief.

(b)(6); (b)(7)(C)

Date

Contracting Officer
ICE/OAQ - MSD

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

Reviewed by:

(b)(6); (b)(7)(C)
OAQ-MD-AD

Date

(b)(6); (b)(7)(C)
OPLA

Date

Office of Acquisition Management (OAQ)
Immigration & Customs Enforcement (ICE)
Department of Homeland Security (DHS)

Justification and Approval for other than Full and Open Competition

1. Agency and Contracting Activity

(b)(5); (b)(7)(E)

2. Nature and/or Description of the Action Being Approved

(b)(5); (b)(7)(E)

3. Description of Supplies/Services

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

(b)(5); (b)(7)(E)

4. Identification of Statutory Authority Permitting Other Than Full and Open Competition

(b)(5); (b)(7)(E)

5. Demonstration of the Contractor's Unique Qualifications or the Nature of the Acquisition Requires the Use of the Authority Cited

(b)(5); (b)(7)(E)

~~FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE~~
Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

6. Efforts to Obtain Competition

(b)(5); (b)(7)(E)

7. Determination by the Contracting Officer that the Anticipated Cost to the Government Will be Fair and Reasonable

(b)(5); (b)(7)(E)

~~FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE~~
Source Selection Sensitive in accordance with FAR 3.104-4

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

8. Description of Market Research

(b)(5); (b)(7)(E)

9. Any Other Facts Supporting the Use of Other than Full and Open Competition

(b)(5); (b)(7)(E)

10. Listing of Sources, if any, that Expressed in Writing and Interest in the Acquisition

(b)(5); (b)(7)(E)

11. A Statements of the Actions, if any, the Agency May Take to Remove or Overcome Barriers To Competition Before any Subsequent Acquisition for Supplies or Services Required

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

12. Certifications

I certify that the facts and representation under my cognizance, which are included in this justification, meet the Government's minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

(b)(6); (b)(7)(C)

Date

Immigration and Customs Enforcement (ICE)

Technical Operations (Tech Ops)

Phone number: 703 (b)(6); (b)(7)(C)

13. CONTRACTING OFFICER'S CERTIFICATION

I certify that the justification is accurate and complete to the best of my knowledge and belief.

(b)(6); (b)(7)(C)

Date

Contracting Officer
ICE/OAQ - MSD

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

Reviewed by:

(b)(6); (b)(7)(C)
OAQ-MD-AD

Date

(b)(6); (b)(7)(C)
OPLA

Date

From: (b)(6); (b)(7)(C)
Sent: 1 Apr 2016 11:26:58 -0400
To: (b)(6); (b)(7)(C)
Cc:
Subject: FW: Request for legal of Supply of Harris equipment.
Attachments: Sole Source OTA Sole Source Harris 2016 - 31 March 2016.doc, Sole Source OTA Sole Source Harris 2016 - 31 March 2016(cald).doc

(b)(6);
(b)(7)(C)

I made a few revisions and comments in track-changes format. Please review and revise LSJ accordingly. I will return to Dallas next week and can sign-off on the final version.

V/r,

(b)(6);
(b)(7)(C)

(b)(6); (b)(7)(C)

Associate Legal Advisor
ICE Office of the Principal Legal Advisor
(p) 214.905 (b)(6);
(c) 214.924 (b)(7)(C)

~~*** Warning *** Attorney/Client Privilege *** Attorney Work Product ***~~

~~This communication and any attachments may contain confidential and/or sensitive attorney/client privileged information or attorney work product and/or law enforcement sensitive information. It is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient. Please notify the sender if this email has been misdirected and immediately destroy all originals and copies. Furthermore do not print, copy, re-transmit, disseminate, or otherwise use this information. Any disclosure of this communication or its attachments must be approved by the Office of the Principal Legal Advisor, U.S. Immigration and Customs Enforcement. This document is for INTERNAL GOVERNMENT USE ONLY and may be exempt from disclosure under the Freedom of Information Act, 5 USC §§ 552(b)(5), (b)(7).~~

From: (b)(6); (b)(7)(C)
Sent: Thursday, March 31, 2016 1:46 PM
To: (b)(6); (b)(7)(C)
Cc:
Subject: Request for legal of Supply of Harris equipment.

(b)(6); (b)(7)(C)

Request legal review of the attached sole source word document for the supply of Harris Over-the-Air equipment. Hard copy of legal review request will be hand delivery.

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas | Deputy Assistant Director

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-905-(b)(6);

Blackberry: 202-381-(b)(6);

Email: (b)(6); (b)(7)(C)

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~~Information contained in this email and any attachments may include "source selection information." Unauthorized disclosure of source selection information is prohibited by Subsection 27(a) of the Office of Federal Procurement Policy Act (the Procurement Integrity Act)(41 U.S.C. § 2102). Release of information both before and after award may also be prohibited by the Privacy Act (5 U.S.C. § 552(a), the Trade Secrets Act (18 U.S.C. § 1905), and other laws (together referred to as "Acts"). Criminal and civil penalties, and administrative remedies, may apply to conduct that violates these Acts. Contact the contracting officer prior to sharing the contents of this e-mail, or any attachments, with any non-recipient.~~

Department of Homeland Security (DHS)
Immigration & Customs Enforcement (ICE)
Office of Acquisition Management (OAQ)
Investigations and Operations Support Dallas

Justification and Approval for other than Full and Open Competition

(b)(5); (b)(7)(E)

1. Agency and Contracting Activity

(b)(5); (b)(7)(E)

2. Nature and/or Description of the Action Being Approved

(b)(5); (b)(7)(E)

3. Description of Supplies/Services

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
OTA Equipment Upgrade for Tech Ops

(b)(5); (b)(7)(E)

A large rectangular area that has been redacted, leaving it completely blank. It is bounded by a thin black line.

4. Identification of Statutory Authority Permitting Other Than Full and Open Competition

(b)(5); (b)(7)(E)

A rectangular area that has been redacted, leaving it completely blank. It is bounded by a thin black line.

5. Demonstration of the Contractor's Unique Qualifications or the Nature of the Acquisition Requires the Use of the Authority Cited

(b)(5); (b)(7)(E)

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Justification and Approval for Other than Full and Open Competition
OTA Equipment Upgrade for Tech Ops

(b)(5); (b)(7)(E)

6. Efforts to Obtain Competition

(b)(5); (b)(7)(E)

7. Determination by the Contracting Officer that the Anticipated Cost to the Government Will be Fair and Reasonable

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
OTA Equipment Upgrade for Tech Ops

8. Description of Market Research

(b)(5); (b)(7)(E)

9. Any Other Facts Supporting the Use of Other than Full and Open Competition

(b)(5); (b)(7)(E)

10. Listing of Sources, if any, that Expressed in Writing and Interest in the Acquisition

(b)(5); (b)(7)(E)

11. A Statements of the Actions, if any, the Agency May Take to Remove or Overcome Barriers To Competition Before any Subsequent Acquisition for Supplies or Services Required

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
OTA Equipment Upgrade for Tech Ops

12. Certifications

I certify that the facts and representation under my cognizance, which are included in this justification, meet the Government’s minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

(b)(6); (b)(7)(C)

Date

Immigration and Customs Enforcement (ICE)

Technical Operations (Tech Ops)

Phone number: 703 (b)(6); (b)(7)(C)

13. CONTRACTING OFFICER’S CERTIFICATION

I certify that the justification is accurate and complete to the best of my knowledge and belief.

(b)(6); (b)(7)(C)

Date

Contracting Officer

ICE/OAQ - MSD

Justification and Approval for Other than Full and Open Competition
OTA Equipment Upgrade for Tech Ops

Reviewed by:

(b)(6); (b)(7)(C)
OAQ-IOSD-DAD

Date

(b)(6); (b)(7)(C)
OAQ-IOSD-AD

Date

Approved by:

This justification is hereby approved:

(b)(6); (b)(7)(C)

Competition Advocate
Office of Acquisition Management (OAQ)

Date

(b)(5); (b)(7)(E)

Justification and Approval for other than Full and Open Competition

(b)(5); (b)(7)(E)

1. Agency and Contracting Activity

(b)(5); (b)(7)(E)

2. Nature and/or Description of the Action Being Approved

(b)(5); (b)(7)(E)

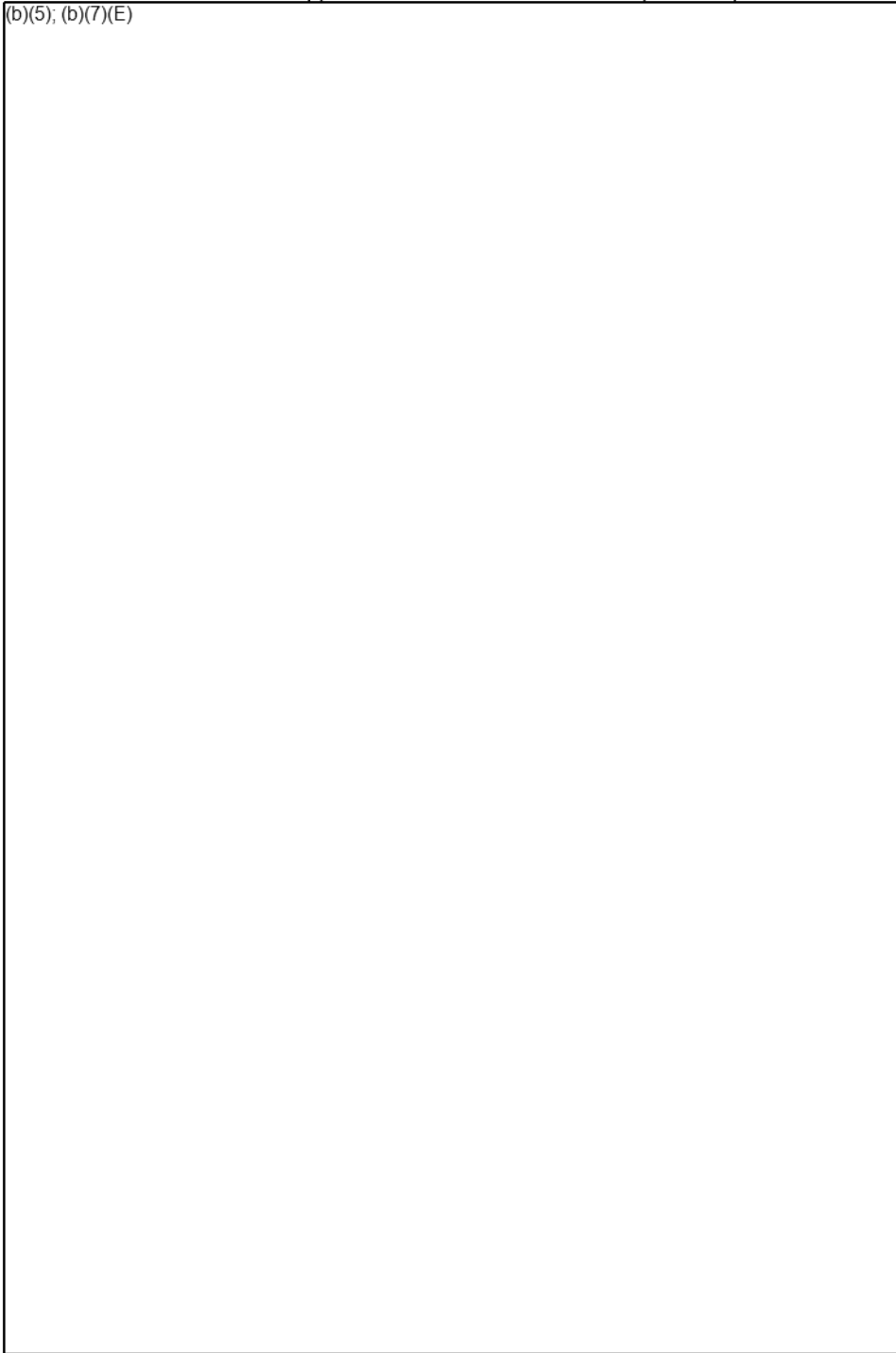
3. Description of Supplies/Services

(b)(5); (b)(7)(E)

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Justification and Approval for Other than Full and Open Competition

(b)(5); (b)(7)(E)



(b)(5); (b)(7)(E)



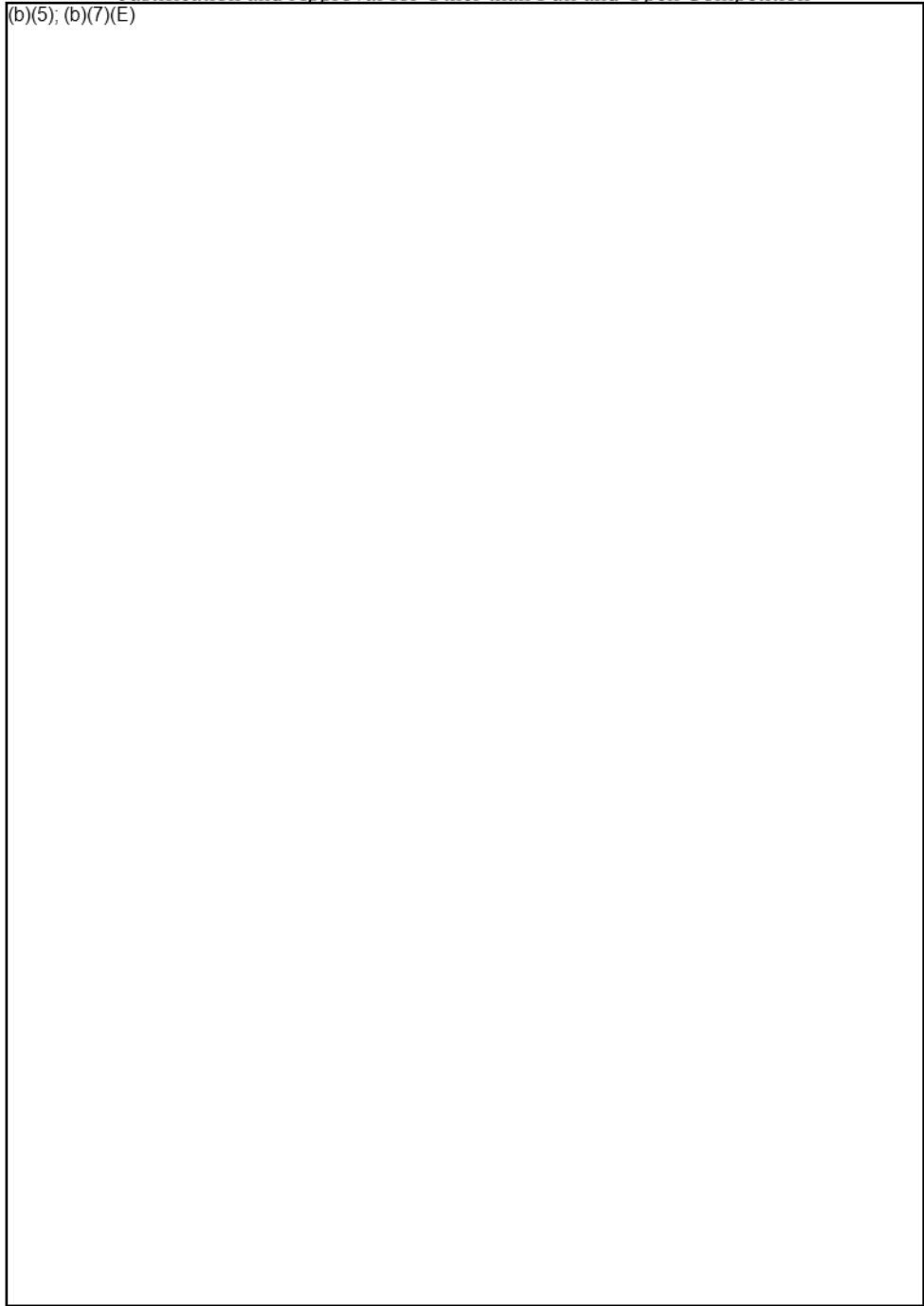
~~FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE~~

Source Selection Sensitive in accordance with FAR 3.104-4

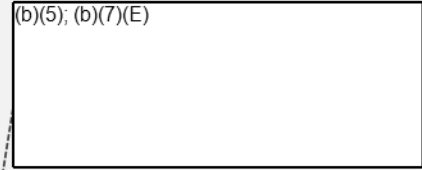
~~FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE~~

Justification and Approval for Other than Full and Open Competition

(b)(5); (b)(7)(E)



(b)(5); (b)(7)(E)



~~FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE~~

Source Selection Sensitive in accordance with FAR 3.104-4

~~FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE~~

Justification and Approval for Other than Full and Open Competition

(b)(5); (b)(7)(E)



(b)(5); (b)(7)(E)

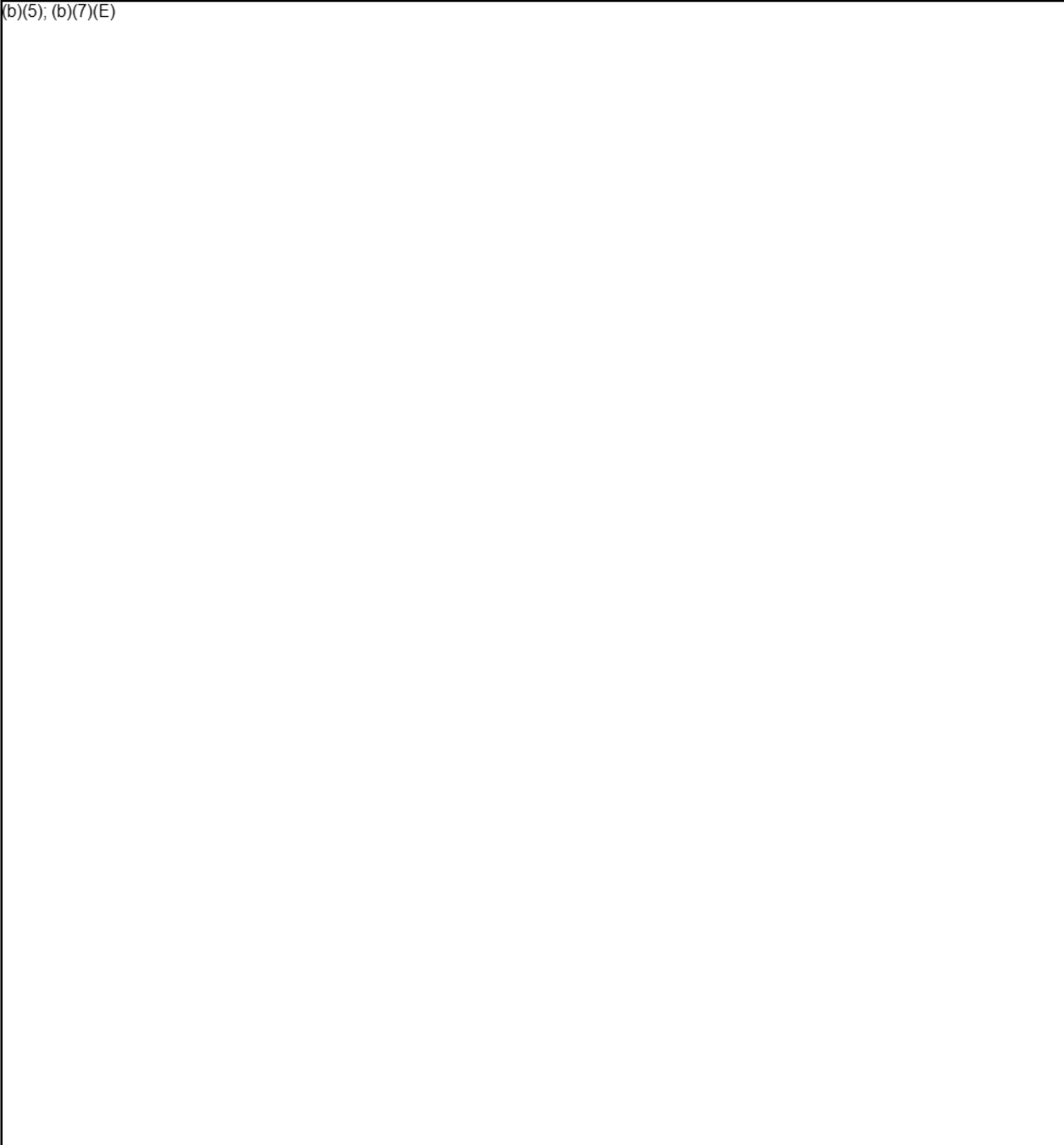


~~FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE~~

Source Selection Sensitive in accordance with FAR 3.104-4

Justification and Approval for Other than Full and Open Competition

(b)(5); (b)(7)(E)



(b)(5); (b)(7)(E)

12. Certifications

I certify that the facts and representation under my cognizance, which are included in this justification, meet the Government’s minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

(b)(6); (b)(7)(C)

Date

Immigration and Customs Enforcement (ICE)

Technical Operations (Tech Ops)

Phone number: 703 (b)(6); (b)(7)(C)

13. CONTRACTING OFFICER’S CERTIFICATION

I certify that the justification is accurate and complete to the best of my knowledge and belief.

(b)(6); (b)(7)(C)

Date

Contracting Officer

ICE/OAQ - MSD

(b)(5); (b)(7)(E)

Reviewed by:

(b)(6); (b)(7)(C)

OAQ-IOSD-DAD

Date

(b)(6); (b)(7)(C)

OAQ-IOSD-AD

Date

Approved by:

This justification is hereby approved:

(b)(5); (b)(6); (b)(7)(C); (b)(7)(E)

Office of Acquisition Management (OAQ)

Date

From: (b)(6); (b)(7)(C)
Sent: 21 Jul 2014 16:34:55 +0000
To: (b)(6); (b)(7)(C)
Cc:
Subject: FW: Request for Legal review
Attachments: Sole Source Harris Crossbow System 2014.doc, Sole Source Harris Procurement 21 July 2014.pdf, Sole Source Harris Crossbow System 2014(cald).doc

(b)(6);
(b)(7)(C)

(b)(7)(E); (b)(5)

(b)(6); (b)(7)(C)

Associate Legal Advisor
ICE Office of the Principal Legal Advisor
(p) 214.905 (b)(6);
(bb) 214.92 (b)(7)(C)

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This communication and any attachments may contain confidential and/or sensitive attorney/client privileged information or attorney work product and/or law enforcement sensitive information. It is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient. Please notify the sender if this email has been misdirected and immediately destroy all originals and copies. Furthermore do not print, copy, re-transmit, disseminate, or otherwise use this information. Any disclosure of this communication or its attachments must be approved by the Office of the Principal Legal Advisor, U.S. Immigration and Customs Enforcement. This document is for INTERNAL GOVERNMENT USE ONLY and may be exempt from disclosure under the Freedom of Information Act, 5 USC §§ 552(b)(5), (b)(7).

From: (b)(6); (b)(7)(C)
Sent: Monday, July 21, 2014 8:27 AM
To: (b)(6); (b)(7)(C)
Cc:
Subject: Request for Legal review

(b)(6);
(b)(7)(C)

Request legal review of the attached Sole Source for the supply of Crossbows from Harris Corporation.

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas | Deputy Assistant Director
DHS | ICE | Office of Acquisition Management (OAQ)
Phone: 214-905- (b)(6);
Blackberry: 202-380- (b)(6);
Email: (b)(6); (b)(7)(C)

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Office of Acquisition Management (OAQ)
Immigration & Customs Enforcement (ICE)
Department of Homeland Security (DHS)

Justification and Approval for other than Full and Open Competition

1. Agency and Contracting Activity

(b)(5); (b)(7)(E)

2. Nature and/or Description of the Action Being Approved

(b)(5); (b)(7)(E)

3. Description of Supplies/Services

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

(b)(5); (b)(7)(E)

4. Identification of Statutory Authority Permitting Other Than Full and Open Competition

(b)(5); (b)(7)(E)

5. Demonstration of the Contractor's Unique Qualifications or the Nature of the Acquisition Requires the Use of the Authority Cited

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

6. Efforts to Obtain Competition

(b)(5); (b)(7)(E)

7. Determination by the Contracting Officer that the Anticipated Cost to the Government Will be Fair and Reasonable

(b)(5); (b)(7)(E)

8. Description of Market Research

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

(b)(5); (b)(7)(E)

9. Any Other Facts Supporting the Use of Other than Full and Open Competition

(b)(5); (b)(7)(E)

10. Listing of Sources, if any, that Expressed in Writing and Interest in the Acquisition

(b)(5); (b)(7)(E)

11. A Statements of the Actions, if any, the Agency May Take to Remove or Overcome Barriers To Competition Before any Subsequent Acquisition for Supplies or Services Required

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

12. Certifications

I certify that the facts and representation under my cognizance, which are included in this justification, meet the Government’s minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

(b)(6); (b)(7)(C)

Date

Immigration and Customs Enforcement (ICE)

Technical Operations (Tech Ops)

Phone number: 703-551-^{(b)(6);}_{(b)(7)(C)}

13. CONTRACTING OFFICER’S CERTIFICATION

I certify that the justification is accurate and complete to the best of my knowledge and belief.

(b)(6); (b)(7)(C)

Date

Contracting Officer

ICE/OAQ - MSD

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Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

Reviewed by:

(b)(6); (b)(7)(C) _____
OAQ-IOSD-DAD

Date

(b)(6); (b)(7)(C) _____
OAQ-IOSD-AD

Date

Approved by:

This justification is hereby approved:

(b)(6); (b)(7)(C) _____
Competition Advocate
Office of Acquisition Management (OAQ)

Date

Document Routing Form



U.S. Immigration
and Customs
Enforcement

1	Date: July 18, 2014	Purpose: <input type="checkbox"/> Congressional <input type="checkbox"/> DHS <input type="checkbox"/> Routine <input type="checkbox"/> FYI	SharePoint Tracking No:
From:	(b)(7)(C); (b)(6)	Office: OAQ-IOSD	Telephone No: 214-900-2100 (b)(7)(C); Room No:
Subject Title: Request for Review of Justification Other than Full and Open Competition in support of Crossbow procurement for HSI Tech.Ops.			
Comments: Request review and signature for subject sole source documentation. Return to (b)(6); (b)(7)(C)			

2 Required Concurrences Before Routing to the Office of the Director						
Name	Extension	Office	Action Requested	Initial	Date	Comments
(b)(6); (b)(7)(C)	(b)(6); (b)(7)(C)	IOSD	<input type="checkbox"/> Concur <input checked="" type="checkbox"/> Sign	(b)(6); (b)(7)(C)	18 July 14	
		IOSD	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Sign		18 July 14	
		IOSD	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Sign		7/21/14	
OPLA		OPLA	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
OAQ-AP		AP	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
(b)(6); (b)(7)(C)		RM	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
		DD	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
		HCA	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
		RM	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			

3 Office of the Director Concurrences: N/A Return to CO (b)(6); (b)(7)(C)							
Name	Action Requested	Initial	Date	Comments			
ICE Management and Administration							
(b)(6); (b)(7)(C)	<input type="checkbox"/> Concur <input type="checkbox"/> Sign						
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign						
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign						
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign						
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign						
	ICE Director's Office						
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign						
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign						
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign						
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign						
Deputy Director Daniel Ragsdale	<input type="checkbox"/> Concur <input type="checkbox"/> Sign						
PDAS Thomas S. Winkowski	<input type="checkbox"/> Concur <input type="checkbox"/> Sign						

REQUEST FOR LEGAL REVIEW

REQUEST DATE July 18, 2014	CONTRACT SPECIALIST <div style="border: 1px solid black; padding: 2px; width: 100%;">(b)(6); (b)(7)(C)</div>	TELEPHONE NO. 214-905- <div style="border: 1px solid black; padding: 2px; width: 40px;">(b)(6); (b)(7)(C)</div>
DIVISION/OFFICE OAQ-IOSD	CONTRACTING OFFICER <div style="border: 1px solid black; padding: 2px; width: 100%;">(b)(6); (b)(7)(C)</div>	TELEPHONE NO. 214-905- <div style="border: 1px solid black; padding: 2px; width: 40px;">(b)(6); (b)(7)(C)</div>
ACQUISITION DOCUMENT NO. 192114VHQ54T00079	CONTRACTOR Will be Harris Corporation	
CONTRACTING OFFICER'S COMMENTS Request legal review of JOFOC in support of purchase of <div style="border: 1px solid black; padding: 2px; width: 150px;">(b)(7)(E)</div> systems to refresh existing outdated equipment inventory	ATTORNEY'S COMMENTS <input type="checkbox"/> Legally Sufficient <input type="checkbox"/> Legally Sufficient Subject to Comments <input type="checkbox"/> Legally Insufficient (see comments below) ATTORNEY: _____ DATE: _____	

Office of Acquisition Management (OAQ)
Immigration & Customs Enforcement (ICE)
Department of Homeland Security (DHS)

Justification and Approval for other than Full and Open Competition

1. Agency and Contracting Activity

The Department of Homeland Security (DHS), United States (U.S.) Immigration and Customs Enforcement (ICE), proposes to enter into a contract on a basis other than full and open competition. The contracting activity is the Office of Acquisition Management, Investigation and Operations Support Dallas, TX.

2. Nature and/or Description of the Action Being Approved

(b)(7)(E)

3. Description of Supplies/Services

(b)(7)(E)

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Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

(b)(7)(E)

4. Identification of Statutory Authority Permitting Other Than Full and Open Competition

(b)(7)(E)

5. Demonstration of the Contractor's Unique Qualifications or the Nature of the Acquisition Requires the Use of the Authority Cited

(b)(7)(E)

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

6. Efforts to Obtain Competition

(b)(7)(E)



7. Determination by the Contracting Officer that the Anticipated Cost to the Government Will be Fair and Reasonable

(b)(7)(E)



8. Description of Market Research

(b)(7)(E)



Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

(b)(7)(E)

9. Any Other Facts Supporting the Use of Other than Full and Open Competition

(b)(7)(E)

10. Listing of Sources, if any, that Expressed in Writing and Interest in the Acquisition

Harris Corporation
P.O Box 9800
Melbourne, FL 32902

11. A Statements of the Actions, if any, the Agency May Take to Remove or Overcome Barriers To Competition Before any Subsequent Acquisition for Supplies or Services Required

(b)(7)(E)

~~FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE~~
Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

12. Certifications

I certify that the facts and representation under my cognizance, which are included in this justification, meet the Government's minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

(b)(6); (b)(7)(C)

7-18-14
Date

Immigration and Customs Enforcement (ICE)
Technical Operations (Tech Ops)
Phone number: 703-(b)(6); (b)(7)(C)

13. CONTRACTING OFFICER'S CERTIFICATION

I certify that the justification is accurate and complete to the best of my knowledge and belief.

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Date

Contracting Officer
ICE/OAQ - MSD

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

Reviewed by:

(b)(6); (b)(7)(C)

OAQ-IOSD-DAD

18 July 14

Date

(b)(6); (b)(7)(C)

OAQ-IOSD-AD

7/21/14

Date

Approved by:

This justification is hereby approved:

(b)(6); (b)(7)(C) _____

Competition Advocate
Office of Acquisition Management (OAQ)

_____ Date

Office of Acquisition Management (OAQ)
Immigration & Customs Enforcement (ICE)
Department of Homeland Security (DHS)

Justification and Approval for other than Full and Open Competition

1. Agency and Contracting Activity

(b)(5); (b)(7)(E)

2. Nature and/or Description of the Action Being Approved

(b)(5); (b)(7)(E)

3. Description of Supplies/Services

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

(b)(5); (b)(7)(E)

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(b)(5); (b)(7)(E)

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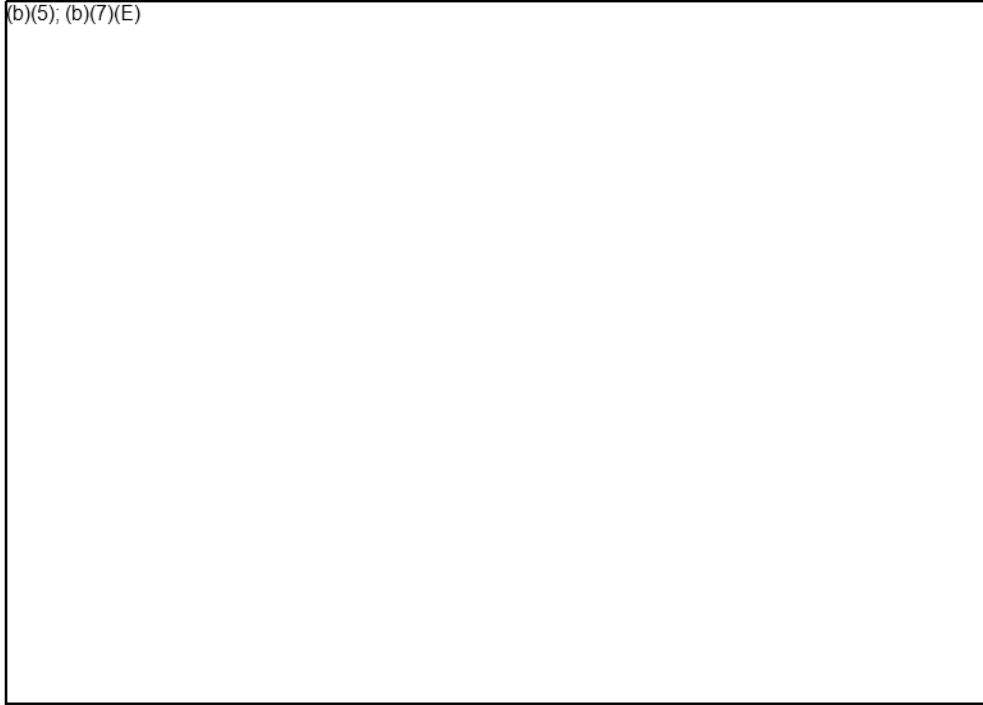
(b)(5); (b)(7)(E)

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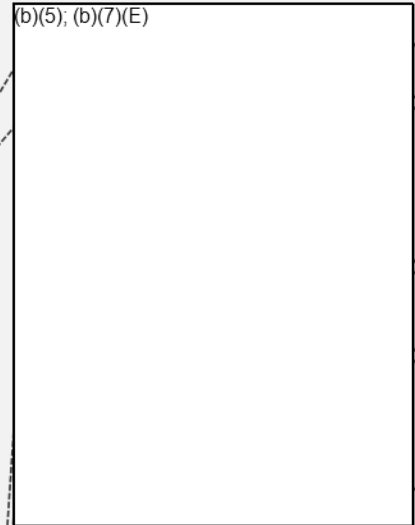
Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

6. Efforts to Obtain Competition

(b)(5); (b)(7)(E)

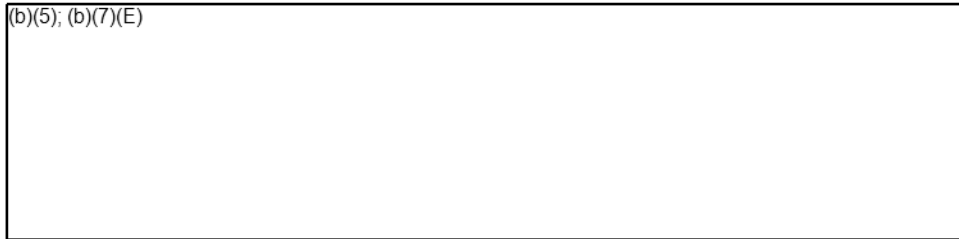


(b)(5); (b)(7)(E)




7. Determination by the Contracting Officer that the Anticipated Cost to the Government Will be Fair and Reasonable

(b)(5); (b)(7)(E)



8. Description of Market Research

(b)(5); (b)(7)(E)



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Source Selection Sensitive in accordance with FAR 3.104-4

~~FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE~~

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

(b)(5); (b)(7)(E)

(b)(5); (b)(7)(E)

9. Any Other Facts Supporting the Use of Other than Full and Open Competition

(b)(5); (b)(7)(E)

10. Listing of Sources, if any, that Expressed in Writing and Interest in the Acquisition

Harris Corporation
P.O Box 9800
Melbourne, FL 32902

11. A Statements of the Actions, if any, the Agency May Take to Remove or Overcome Barriers To Competition Before any Subsequent Acquisition for Supplies or Services Required

(b)(5); (b)(7)(E)

~~FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE~~

Source Selection Sensitive in accordance with FAR 3.104-4

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

12. Certifications

I certify that the facts and representation under my cognizance, which are included in this justification, meet the Government’s minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

(b)(7)(C); (b)(6)

_____ Date

Immigration and Customs Enforcement (ICE)

Technical Operations (Tech Ops)

Phone number: 703-
(b)(7)(C); (b)(6)

13. CONTRACTING OFFICER’S CERTIFICATION

I certify that the justification is accurate and complete to the best of my knowledge and belief.

(b)(7)(C); (b)(6)

_____ Date

Contracting Officer
ICE/OAQ - MSD

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

Reviewed by:

(b)(7)(C); (b)(6)

OAQ-IOSD-DAD

Date

(b)(7)(C); (b)(6)

OAQ-IOSD-AD

Date

Approved by:

This justification is hereby approved:

(b)(7)(C); (b)(6)

Competition Advocate
Office of Acquisition Management (OAQ)

Date

From: (b)(6); (b)(7)(C)
Sent: 3 Jun 2013 13:07:28 +0000
To: (b)(6); (b)(7)(C)
Cc:
Subject: FW: Spectrum Amendment (2) to RFQ(CALD).doc
Attachments: Spectrum Amendment (2) to RFQ(CALD).doc, Spectrum Amendment (2) to RFQ(CALD2).doc

(b)(6); (b)(7)(C)

Please see attached amendment (CALD2) wherein I proposed some minor edits for clarification. Please advise if you accept all proposed changes. If so, I have no objection to proceeding with the amendment.

Thanks,

(b)(6); (b)(7)(C)

Associate Legal Advisor
ICE Office of the Principal Legal Advisor
(p) 214.905 (b)(6);
(bb) 214.92 (b)(7)(C)

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From:
Sent: Thursday, May 30, 2013 2:25 PM
To: (b)(6); (b)(7)(C)
Cc:
Subject: RE: Spectrum Amendment (2) to RFQ(CALD).doc

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) d I scrubbed it – for your review.

Thanks

(b)(6); (b)(7)(C)

OAQ Mission Support Dallas | HSI-West | Contracting Officer
DHS | ICE | Office of Acquisition Management (OAQ)
Phone: 214-905 (b)(6); (b)(7)(C) **FAX:** 214-905-5568
Email: (b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: Thursday, May 30, 2013 1:33 PM
To: (b)(6); (b)(7)(C)
Cc:
Subject: Spectrum Amendment (2) to RFQ(CALD).doc

(b)(6); (b)(7)(C)

I made some initial comments on the PWS. Please take a look, and standardized the format of the positions and ensure that the desired experience is clearly communicated.

V/r

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Associate Legal Advisor
ICE Office of the Principal Legal Advisor
(p) 214.905 (b)(6);
(bb) 214.92 (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: 17 Sep 2012 18:24:35 -0400
To: (b)(6); (b)(7)(C)
Subject: MFR for not publicizing requirement
Attachments: MFR - No Posting to Fedbizopps for Crossbow.doc
Importance: High

Team:

By and large, the attached was taken from the last Stingray purchase as well. Please advise if there any objections to or changes that need to be made to the text.

(b)(6); (b)(7)(C)

Mission Support - Dallas (MSD), OI East Team – Contracting Officer

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-905-(b)(6); (b)(7)(C)

Email: (b)(6); (b)(7)(C)

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MEMO FOR RECORD

DATE: September 17, 2012

RE: Requisition 192112VSA00000079

**SUBJECT: Restrictions on Publicizing Requirements for the Purchase of
Crossbow OTA Tracking Equipment**

I. BACKGROUND

(b)(7)(E)

II. REQUIREMENTS

(b)(7)(E)

(b)(7)(E)

(b)(6); (b)(7)(C)

Contract Specialist

Date

From: (b)(6); (b)(7)(C)
Sent: 11 Apr 2016 14:23:16 -0400
To: (b)(6); (b)(7)(C)
Subject: Over the Air (OTA) Sole Source Documentation
Attachments: 2016_04_11_14_15_00.pdf

Good Afternoon.

Please find final (signed) document attached.

Thank you,

(b)(6); (b)(7)(C)

Executive Assistant | Management & Program Analyst
DHS | ICE | Office of Acquisition Management (OAQ)
Phone: 202-73 (b)(6); (b)(7)(C)
Cell: (202) 430 (b)(6); (b)(7)(C)
Email: (b)(6); (b)(7)(C)

Document Routing Form



U.S. Immigration
and Customs
Enforcement

1 Date: March 29, 2016		Purpose: <input type="checkbox"/> Congressional <input type="checkbox"/> DHS <input checked="" type="checkbox"/> Routine <input type="checkbox"/> FYI		SharePoint Tracking No	
From: (b)(7)(C); (b)(6)		Office: IOSD		Telephone No 214 905 (b)(7)(C); (b)(6)	
Subject Title: (b)(5)		Room No			
Comments			Additional Requirements		

Required Concurrences Before Routing to the Office of the Director

Name	Extension	Office	Action Requested	Initial	Date	Comments
(b)(7)(C); (b)(6)		OAQ/IOSD	<input type="checkbox"/> Concur <input checked="" type="checkbox"/> Sign	(b)(7)(C); (b)(6)		
		OAQ/IOSD	<input type="checkbox"/> Concur <input checked="" type="checkbox"/> Sign			April 2016
		OAQ/IOSD	<input type="checkbox"/> Concur <input checked="" type="checkbox"/> Sign			4/4/16
		OPLA/IOSD	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Sign			4/4/2016 See email
		OAQ/APO	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Sign			6/2016
		OAQ-CoS	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Sign			7/16
		OAQ-(A)DD	<input type="checkbox"/> Concur <input checked="" type="checkbox"/> Sign			8/16
					<input type="checkbox"/> Concur <input type="checkbox"/> Sign	

Office of the Director Concurrences

ICE Director's Office	
(b)(6); (b)(7)(C)	<input type="checkbox"/> Concur <input type="checkbox"/> Sign
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign
Deputy Director Daniel Ragsdale	<input type="checkbox"/> Concur <input type="checkbox"/> Sign
Director Sarah R. Saldaña	<input type="checkbox"/> Concur <input type="checkbox"/> Sign

Department of Homeland Security (DHS)
Immigration & Customs Enforcement (ICE)
Office of Acquisition Management (OAQ)
Investigations and Operations Support Dallas

Justification and Approval for other than Full and Open Competition

(b)(7)(E)

1. Agency and Contracting Activity

The Department of Homeland Security (DHS), United States (U.S.) Immigration and Customs Enforcement (ICE), Office of Acquisition Management (OAQ), Investigations and Operations Support Dallas (IOSD) propose to enter into a contract on a basis other than full and open competition.

2. Nature and/or Description of the Action Being Approved

(b)(4); (b)(7)(E)

3. Description of Supplies/Services

(b)(7)(E)

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Justification and Approval for Other than Full and Open Competition
OTA Equipment Upgrade for Tech Ops

(b)(7)(E)

Equipment to be purchased:

Part Number	Description	Qty	Unit Price	Total
(b)(4); (b)(7)(E)				
			Total	\$2,220,200.00

Requisition: 192116VHQ54T00046
Delivery: 120 days ARO

4. Identification of Statutory Authority Permitting Other Than Full and Open Competition

(b)(7)(E)

~~FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE~~
Source Selection Sensitive in accordance with FAR 3.104-4

Justification and Approval for Other than Full and Open Competition
OTA Equipment Upgrade for Tech Ops

5. Demonstration that the Nature of the Acquisition Require Use of the Authority Cited

(b)(7)(E)

6. Description of Efforts to Ensure that Offers are Solicited from as Many Potential Sources as is Practicable

(b)(7)(E)

Justification and Approval for Other than Full and Open Competition
OTA Equipment Upgrade for Tech Ops

(b)(7)(E)

7. Determination by the Contracting Officer that the Anticipated Cost to the Government Will be Fair and Reasonable

(b)(7)(E)

8. Description of Market Research

(b)(7)(E)

9. Any Other Facts Supporting the Use of Other than Full and Open Competition

(b)(7)(E)

Justification and Approval for Other than Full and Open Competition
OTA Equipment Upgrade for Tech Ops

(b)(7)(E)

10. Listing of Sources, if any, that Expressed in Writing and Interest in the Acquisition

Harris Corporation
P.O Box 9800
Melbourne, FL 32902

11. A Statements of the Actions, if any, the Agency May Take to Remove or Overcome Barriers To Competition Before any Subsequent Acquisition for Supplies or Services Required

(b)(7)(E)

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Justification and Approval for Other than Full and Open Competition
OTA Equipment Upgrade for Tech Ops

12. Certifications

I certify that the facts and representation under my cognizance, which are included in this justification, meet the Government's minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

(b)(6); (b)(7)(C)

4-4-16
Date

Immigration and Customs Enforcement (ICE)
Technical Operations (Tech Ops)
Phone number: 703-55 (b)(6); (b)(7)(C)

13. CONTRACTING OFFICER'S CERTIFICATION

I certify that the justification is accurate and complete to the best of my knowledge and belief.

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Date

Contracting Officer
ICE/OAQ - MSD

Justification and Approval for Other than Full and Open Competition
OTA Equipment Upgrade for Tech Ops

Reviewed by:

(b)(6); (b)(7)(C)

OAQ-IOSD-DAD

4 April 2016

Date

(b)(6); (b)(7)(C)

OAQ-IOSD-AD

4/4/16

Date

Approved by:

This justification is hereby approved:

(b)(6); (b)(7)(C)

Competition Advocate
Office of Acquisition Management (OAQ)

8 APRIL 2016

Date

From: (b)(6); (b)(7)(C)
Sent: 6 Jan 2015 09:28:52 -0500
To: (b)(6); (b)(7)(C)
Subject: Harris Stingray Article

(b)(7)(E)

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas | Deputy Assistant Director
DHS | ICE | Office of Acquisition Management (OAQ)
Phone: 214-905-(b)(6); (b)(7)(C)
Blackberry: 202-380-(b)(6); (b)(7)(C)
Email: (b)(6); (b)(7)(C)

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From:

(b)(6); (b)(7)(C)

Sent:

20 Dec 2016 13:56:28 -0500

To:

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Subject:

Harris Stingray cell phone tracker/House Oversight and Government Reform Committee report

(b)(7)(E)

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas | Section Chief

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-905-(b)(6); (b)(7)(C)

Blackberry: 202-380-(b)(6); (b)(7)(C)

Email: (b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: 22 Jul 2014 16:31:57 -0400
To: (b)(6); (b)(7)(C)
Subject: Harris update

I just spoke to (b)(6); (b)(7)(C) at Harris. They just went through this with (b)(5); (b)(7)(E) (b)(5); (b)(7)(E). Yes this is a developmental item based on their GSA publicized pricing for some components, and they will follow up in writing with a response to my e:mail tomorrow. They were ready for it.

I will change my J&A and send it back to you (b)(6); (b)(7)(C) momentarily.

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas (IOSD-East) | Contracting Officer

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-905-(b)(6); (b)(7)(C)

Email: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)
Sent: 13 Jun 2013 15:50:08 +0000
To: (b)(6); (b)(7)(C)
Cc:
Subject: HSCEMD-13-J-00015 Spectrum Support Services
Attachments: 2013_06_13_10_48_38.pdf

(b)(6);
(b)(7)(C)

Please find attached my comments concerning the award document.

V/r
(b)(6); (b)(7)(C)

Associate Legal Advisor
ICE Office of the Principal Legal Advisor
(p) 214.905 (b)(6);
(bb) 214.92 (b)(7)(C)

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REQUEST FOR LEGAL REVIEW

REQUEST DATE June 11, 2013	CONTRACT SPECIALIST (b)(6); (b)(7)(C)	TELEPHONE NO. 214-90 (b)(6); (b)(7)(C)
DIVISION/OFFICE OAQ / MSD	CONTRACTING OFFICER (b)(6); (b)(7)(C)	TELEPHONE NO. 214 (b)(6); (b)(7)(C)
ACQUISITION DOCUMENT NO. HSCEMD-13-J-00015 - <i>Order Review</i>	CONTRACTOR Zantech IT Services, Inc.	
CONTRACTING OFFICER'S COMMENTS Request Pre-Award legal review	ATTORNEY'S COMMENTS <input type="checkbox"/> Legally Sufficient <input checked="" type="checkbox"/> Legally Sufficient Subject to Comments <input type="checkbox"/> Legally Insufficient (see comments below) (b)(6); (b)(7)(C) ATTORNEY: _____ DATE: <u> 9/13/2013 </u> 1) Adel: 5202178 Option to extend services. 2) Reference HSAR 3052.215-70 key personnel, pursuant to (b) identify the "Special individuals" by Name, not just position. 3) Indicate that 52.212-4 AFI applies to this Task Order.	

From: (b)(6); (b)(7)(C)
Sent: 21 Jan 2020 14:23:20 +0000
To: (b)(6); (b)(7)(C)
Subject: HSCEMD14Q00028 Harris Crossbow

HSCEMD14Q00028 Harris Crossbow

(b)(7)(E)

From: (b)(6); (b)(7)(C)
Sent: 15 May 2018 19:45:31 +0000
To: (b)(6); (b)(7)(C)
Cc:
Subject: J&A Legal Review 192118VHQ6TSPC008.1

Doug,

Can you please provide a legal review on this one?

FILE NAME	ACTION	LINK
File Link	No Action – For Reference Only -ALL documents are in draft form	(b)(6); (b)(7)(C)
Routing Sheet	Sign	
Legal Review	Sign / Comments	
J&A	Review	

Thank you

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas | HSI-West | Contracting Officer

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-905-(b)(6); (b)(7)(C) **FAX: 214-905-5568**

Email: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)
Sent: 20 Aug 2014 10:51:42 -0400
To: (b)(6); (b)(7)(C)
Cc:
Subject: Just heard from Harris Corporation

(b)(6); (b)(7)(C)

I just had a telephone call from Harris Corp. They are trying to identify alternate language that would potentially be agreeable. My POC, (b)(6); (b)(7)(C) let slip that what they are worried about is a DCAA audit if they certify something under the commercial item provisions. They said that they cannot get on a phone call with you until they get their corporate legal position lined up.

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas (IOSD-East) | Contracting Officer

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-905 (b)(6); (b)(7)(C)

Email: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)
Sent: 31 May 2018 12:00:07 +0000
To: (b)(6); (b)(7)(C)
Subject: Lie

Good morning (b)(6); (b)(7)(C)

Unintentionally, I lie to you yesterday! Sorry - I do have a pre-award review for 4.8M coming to you for review later today.
You already reviewed the J&A for this one.

(I didn't think it need it because it's not over 5M, but awards over \$700K do need OPLA review)

Thanks

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas | HSI-West | Contracting Officer
DHS | ICE | Office of Acquisition Management (OAQ)
Phone: 214-905-(b)(6); (b)(7)(C) FAX: 214-905-5568
Email: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)
Sent: 19 Aug 2014 20:03:46 +0000
To: (b)(6); (b)(7)(C)
Subject: RE: Question on the Harris Procurement

(b)(6); (b)(7)(C)

I don't understand their issue, nor do I believe that there is any flexibility to avoid certification through SAM and 52.212.3. Those certifications work in conjunction with one other.

V/r
(b)(6); (b)(7)(C)

Associate Legal Advisor
ICE Office of the Principal Legal Advisor
(p) 214.905 (b)(6);
(bb) 214.92 (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: Tuesday, August 19, 2014 2:59 PM
To: (b)(6); (b)(7)(C)
Subject: Question on the Harris Procurement
Importance: High

(b)(6); (b)(7)(C)

(b)(5); (b)(7)(E)

BTW, I will have the NUIX revised, revised, revised, (sigh) JOFOC for you shortly.

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas (IOSD-East) | Contracting Officer
DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-905-(b)(6); (b)(7)(C)

Email: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)
Sent: 19 Aug 2014 16:32:59 -0400
To: (b)(6); (b)(7)(C)
Subject: RE: Question on the Harris Procurement

(b)(5); (b)(7)(E)

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas (IOSD-East) | Contracting Officer
DHS | ICE | Office of Acquisition Management (OAQ)
Phone: 214-905-(b)(6);
Email: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)
Sent: Tuesday, August 19, 2014 3:04 PM
To: (b)(6); (b)(7)(C)
Subject: RE: Question on the Harris Procurement

(b)(6);
(b)(7)(C)

I don't understand their issue, nor do I believe that there is any flexibility to avoid certification through SAM and 52.212.3. Those certifications work in conjunction with one other.

V/r,

(b)(6);
(b)(7)(C)

(b)(6); (b)(7)(C)

Associate Legal Advisor
ICE Office of the Principal Legal Advisor
(p) 214.904-(b)(6);
(bb) 214.92-(b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: Tuesday, August 19, 2014 2:59 PM
To: (b)(6); (b)(7)(C)
Subject: Question on the Harris Procurement
Importance: High

(b)(6); (b)(7)(C)

(b)(5); (b)(7)(E)

BTW, I will have the NUIX revised, revised, revised, (sigh) JOFOC for you shortly.

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas (IOSD-East) | Contracting Officer

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-905-(b)(6)

Email: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)
Sent: 22 Jul 2014 15:09:47 +0000
To: (b)(6); (b)(7)(C)
Cc:
Subject: RE: Request for Legal review

(b)(6);
(b)(7)(C)

(b)(5); (b)(7)(E)

Thanks,

(b)(6);
(b)(7)(C)

(b)(6); (b)(7)(C)

Associate Legal Advisor
ICE Office of the Principal Legal Advisor
(p) 214.905 (b)(6);
(bb) 214.92 (b)(7)(C)

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~~**From:** (b)(6); (b)(7)(C)~~

~~**Sent:** Tuesday, July 22, 2014 9:58 AM~~

~~**To:** (b)(6); (b)(7)(C)~~

~~**Cc:**~~

~~**Subject:** RE: Request for Legal review~~

(b)(6);
(b)(7)(C)

(b)(5); (b)(7)(E)

Meanwhile, I will visit with the program relative to your comments. Thank you for the quick turnaround.

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas (IOSD-East) | Contracting Officer

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-905-(b)(6);

Email: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)

Sent: Monday, July 21, 2014 11:35 AM

To: (b)(6); (b)(7)(C)

Cc:

Subject: FW: Request for Legal review

(b)(6);
(b)(7)(C)

(b)(6); (b)(7)(C)

Thanks,

(b)(6); (b)(7)(C)

Associate Legal Advisor

ICE Office of the Principal Legal Advisor

(p) 214.905-(b)(6);

(bb) 214.92-(b)(7)(C)

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From: (b)(6); (b)(7)(C)

Sent: Monday, July 21, 2014 8:27 AM

To: (b)(6); (b)(7)(C)

Cc:

Subject: Request for Legal review

(b)(6); (b)(7)(C)

Request legal review of the attached Sole Source for the supply of Crossbows from Harris Corporation.

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas | Deputy Assistant Director
DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-905-^{(b)(6); (b)(7)(C)}

Blackberry: 202-380-^{(b)(6); (b)(7)(C)}

Email: ^{(b)(6); (b)(7)(C)}

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From: (b)(6); (b)(7)(C)
Sent: 17 Sep 2012 17:36:39 -0400
To: (b)(6); (b)(7)(C)
Cc:
Subject: Porposed LSJ for purchase of a Crossbow System from Harris Corporation
Attachments: Sole Source Harris Crossbow System.doc
Importance: High

Gentlemen:

I you would please review the attached draft document and provide your comments, I would appreciate it. If this looks very similar to the final LSJ from the Stingray II system purchase from last year, there is a good reason for that. The Crossbow System is the latest, most technologically up-to-date version of a Stingray system.

I am trying to make award by this coming Friday, so I need your input quickly please. Many thanks.

(b)(6); (b)(7)(C)

Mission Support - Dallas (MSD), OI East Team – Contracting Officer

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-905-(b)(6);

Email: (b)(6); (b)(7)(C)

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Office of Acquisition Management (OAQ)
Immigration & Customs Enforcement (ICE)
Department of Homeland Security (DHS)

Justification and Approval for other than Full and Open Competition

(b)(5); WIF Draft

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

(b)(5); (b)(7)(E)

4. Identification of Statutory Authority Permitting Other Than Full and Open Competition

(b)(5); (b)(7)(E)

5. Demonstration of the Contractor's Unique Qualifications or the Nature of the Acquisition Requires the Use of the Authority Cited

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

6. Efforts to Obtain Competition

(b)(5); (b)(7)(E)

7. Determination by the Contracting Officer that the Anticipated Cost to the Government Will be Fair and Reasonable

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

8. Description of Market Research

(b)(5); (b)(7)(E)

9. Any Other Facts Supporting the Use of Other than Full and Open Competition

(b)(5); (b)(7)(E)

10. Listing of Sources, if any, that Expressed in Writing and Interest in the Acquisition

Harris Corporation
P.O Box 9800
Melbourne, FL 32902

11. A Statements of the Actions, if any, the Agency May Take to Remove or Overcome Barriers To Competition Before any Subsequent Acquisition for Supplies or Services Required

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

12. Certifications

I certify that the facts and representation under my cognizance, which are included in this justification, meet the Government's minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

(b)(5)

Date

Immigration and Customs Enforcement (ICE)

Technical Operations (Tech Ops)

Phone number: 703-55

(b)(5)

13. CONTRACTING OFFICER'S CERTIFICATION

I certify that the justification is accurate and complete to the best of my knowledge and belief.

(b)(5)

Date

Contracting Officer
ICE/OAQ - MSD

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

Reviewed by:

(b)(5) _____

OAQ-MD-AD

Date

(b)(5) _____

OPLA

Date

From: (b)(6); (b)(7)(C)
Sent: 21 Sep 2012 14:42:20 -0400
To: (b)(6); (b)(7)(C)
Cc:
Subject: Question on FOIA release of info

(b)(6);
(b)(7)(C)

I just got a call from (b)(6); (b)(7)(C) over at C3. It seems that someone came in with a FOIA request for info about Stingray purchases, and the ICE FOIA office released copies of contracts with Harris Corporation, sole source justifications and I don't know how much other info. (b)(6); (b)(7)(C) was furious because there was very sensitive information in there about which offices were receiving the technology, what it would be used for, and even the names of some of the individual agents that would be using it. From what (b)(6); (b)(7)(C) told me, the request was not sent to the HSI FOIA office (b)(6); (b)(7)(C) crew) until after the documents were already released by the main ICE FOIA office (b)(6); (b)(7)(C) did not know for sure, but he did not think any of my documents were released (since I have headers and footers all over them that identify the info as law enforcement sensitive), but I am not the only person who buys this equipment.

(b)(5); (b)(7)(E)

(b)(6); (b)(7)(C) is talking about doing a telecon sometime next month to discuss this topic. Will keep you posted.

(b)(6); (b)(7)(C)

Mission Support - Dallas (MSD), OI East Team – Contracting Officer
DHS | ICE | Office of Acquisition Management (OAQ)
Phone: 214-905 (b)(6); (b)(7)(C)
Email: (b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: 19 Aug 2014 15:58:54 -0400
To: (b)(6); (b)(7)(C)
Subject: Question on the Harris Procurement
Importance: High

(b)(6);
(b)(7)(C)

(b)(5)

(b)(5) Do you have any objection? Let me know by e:mail, and I can do a quick amendment. Thx.

BTW, I will have the NUIX revised, revised, revised, (sigh) JOFOC for you shortly.

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas (IOSD-East) | Contracting Officer
DHS | ICE | Office of Acquisition Management (OAQ)
Phone: 214-905-(b)(6);
Email: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)
Sent: 21 Jul 2014 09:26:31 -0400
To: (b)(6); (b)(7)(C)
Cc:
Subject: Request for Legal review
Attachments: Sole Source Harris Crossbow System 2014.doc, Sole Source Harris Procurement 21 July 2014.pdf

(b)(6);
(b)(7)(C)

Request legal review of the attached Sole Source for the supply of Crossbows from Harris Corporation.

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas | Deputy Assistant Director
DHS | ICE | Office of Acquisition Management (OAQ)
Phone: 214-905-(b)(6);
Blackberry: 202-380-(b)(6);
Email: (b)(6); (b)(7)(C)

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Office of Acquisition Management (OAQ)
Immigration & Customs Enforcement (ICE)
Department of Homeland Security (DHS)

Justification and Approval for other than Full and Open Competition

1. Agency and Contracting Activity

The Department of Homeland Security (DHS), United States (U.S.) Immigration and Customs Enforcement (ICE), proposes to enter into a contract on a basis other than full and open competition. The contracting activity is the Office of Acquisition Management, Investigation and Operations Support Dallas, TX.

2. Nature and/or Description of the Action Being Approved

(b)(7)(E)

3. Description of Supplies/Services

(b)(7)(E)

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Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

(b)(7)(E)

4. Identification of Statutory Authority Permitting Other Than Full and Open Competition

(b)(7)(E)

5. Demonstration of the Contractor's Unique Qualifications or the Nature of the Acquisition Requires the Use of the Authority Cited

(b)(7)(E)

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Source Selection Sensitive in accordance with FAR 3.104-4

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

6. Efforts to Obtain Competition

(b)(7)(E)

7. Determination by the Contracting Officer that the Anticipated Cost to the Government Will be Fair and Reasonable

(b)(7)(E)

8. Description of Market Research

(b)(7)(E)

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Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

(b)(7)(E)

9. Any Other Facts Supporting the Use of Other than Full and Open Competition

(b)(7)(E)

10. Listing of Sources, if any, that Expressed in Writing and Interest in the Acquisition

Harris Corporation
P.O Box 9800
Melbourne, FL 32902

11. A Statements of the Actions, if any, the Agency May Take to Remove or Overcome Barriers To Competition Before any Subsequent Acquisition for Supplies or Services Required

(b)(7)(E)

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

12. Certifications

I certify that the facts and representation under my cognizance, which are included in this justification, meet the Government's minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

(b)(6); (b)(7)(C)

Date

Immigration and Customs Enforcement (ICE)

Technical Operations (Tech Ops)

Phone number: 703-(b)(6); (b)(7)(C)

13. CONTRACTING OFFICER'S CERTIFICATION

I certify that the justification is accurate and complete to the best of my knowledge and belief.

(b)(6); (b)(7)(C)

Date

Contracting Officer
ICE/OAQ - MSD

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Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

Reviewed by:

(b)(6); (b)(7)(C)
OAQ-IOSD-DAD

Date

(b)(6); (b)(7)(C)
OAQ-IOSD-AD

Date

Approved by:

This justification is hereby approved:

(b)(6); (b)(7)(C)
Competition Advocate
Office of Acquisition Management (OAQ)

Date

Document Routing Form



U.S. Immigration
and Customs
Enforcement

1	Date: July 18, 2014	Purpose: <input type="checkbox"/> Congressional <input type="checkbox"/> DHS <input type="checkbox"/> Routine <input type="checkbox"/> FYI	SharePoint Tracking No:
From:	(b)(6); (b)(7)(C)	Office: OAQ-IOSD	Telephone No: 214 (b)(6); <input type="text"/> Room No:
Subject Title: Request for Review of Justification Other than Full and Open Competition in support of Crossbow procurement for HSI Tech.Ops.			
Comments: Request review and signature for subject sole source documentation. Return to (b)(6); (b)(7)(C)			

2 Required Concurrences Before Routing to the Office of the Director						
Name	Extension	Office	Action Requested	Initial	Date	Comments
(b)(6); (b)(7)(C)	(b)(6); (b)(7)(C)	IOSD	<input type="checkbox"/> Concur <input checked="" type="checkbox"/> Sign	(b)(6); (b)(7)(C)	18 July 14	
		IOSD	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Sign		18 July 14	
		IOSD	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Sign		7/21/14	
OPLA		OPLA	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
OAQ-AP		AP	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
(b)(6); (b)(7)(C)		RM	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
		DD	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
		HCA	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
		RM	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			

3 Office of the Director Concurrences: N/A Return to CO (b)(6); (b)(7)(C)							
Name	Action Requested	Initial	Date	Comments			
ICE Management and Administration							
(b)(6); (b)(7)(C)	<input type="checkbox"/> Concur <input type="checkbox"/> Sign						
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign						
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign						
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign						
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign						
	ICE Director's Office						
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign						
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign						
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign						
	<input type="checkbox"/> Concur <input type="checkbox"/> Sign						
Deputy Director Daniel Ragsdale	<input type="checkbox"/> Concur <input type="checkbox"/> Sign						
PDAS Thomas S. Winkowski	<input type="checkbox"/> Concur <input type="checkbox"/> Sign						

REQUEST FOR LEGAL REVIEW

REQUEST DATE July 18, 2014	CONTRACT SPECIALIST <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 5px auto;">(b)(6); (b)(7)(C)</div>	TELEPHONE NO. 214- <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 5px auto;">(b)(6); (b)(7)(C)</div>
DIVISION/OFFICE OAQ-IOSD	CONTRACTING OFFICER <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 5px auto;">(b)(6); (b)(7)(C)</div>	TELEPHONE NO. 214- <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 5px auto;">(b)(6); (b)(7)(C)</div>
ACQUISITION DOCUMENT NO. 192114VHQ54T00079	CONTRACTOR Will be Harris Corporation	
CONTRACTING OFFICER'S COMMENTS Request legal review of JOFOC in support of purchase of <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 5px;">(b)(7)(E)</div> Harris Crossbow systems to refresh existing outdated equipment inventory	ATTORNEY'S COMMENTS <input type="checkbox"/> Legally Sufficient <input type="checkbox"/> Legally Sufficient Subject to Comments <input type="checkbox"/> Legally Insufficient (see comments below) ATTORNEY: _____ DATE: _____	

Office of Acquisition Management (OAQ)
Immigration & Customs Enforcement (ICE)
Department of Homeland Security (DHS)

Justification and Approval for other than Full and Open Competition

1. Agency and Contracting Activity

The Department of Homeland Security (DHS), United States (U.S.) Immigration and Customs Enforcement (ICE), proposes to enter into a contract on a basis other than full and open competition. The contracting activity is the Office of Acquisition Management, Investigation and Operations Support Dallas, TX.

2. Nature and/or Description of the Action Being Approved

(b)(7)(E)

3. Description of Supplies/Services

(b)(7)(E)

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Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

(b)(7)(E)

4. Identification of Statutory Authority Permitting Other Than Full and Open Competition

(b)(7)(E)

5. Demonstration of the Contractor's Unique Qualifications or the Nature of the Acquisition Requires the Use of the Authority Cited

(b)(7)(E)

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Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

6. Efforts to Obtain Competition

(b)(7)(E)

7. Determination by the Contracting Officer that the Anticipated Cost to the Government Will be Fair and Reasonable

(b)(7)(E)

8. Description of Market Research

(b)(7)(E)

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Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

(b)(7)(E)

9. Any Other Facts Supporting the Use of Other than Full and Open Competition

(b)(7)(E)

10. Listing of Sources, if any, that Expressed in Writing and Interest in the Acquisition

Harris Corporation
P.O Box 9800
Melbourne, FL 32902

11. A Statements of the Actions, if any, the Agency May Take to Remove or Overcome Barriers To Competition Before any Subsequent Acquisition for Supplies or Services Required

(b)(7)(E)

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Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

12. Certifications

I certify that the facts and representation under my cognizance, which are included in this justification, meet the Government's minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

(b)(6); (b)(7)(C)

7-18-14
Date

Immigration and Customs Enforcement (ICE)
Technical Operations (Tech Ops)
Phone number: 703-(b)(6); (b)(7)(C)

13. CONTRACTING OFFICER'S CERTIFICATION

I certify that the justification is accurate and complete to the best of my knowledge and belief.

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Date

Contracting Officer
ICE/OAQ - MSD

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

Reviewed by:

(b)(6); (b)(7)(C)
[Redacted Signature Box]

18 July 14
Date

OAQ-IOSD-DAD

(b)(6); (b)(7)(C)
[Redacted Signature Box]

7/21/14
Date

OAQ-IOSD-AD

Approved by:

This justification is hereby approved:

(b)(6); (b)(7)(C) _____
Competition Advocate
Office of Acquisition Management (OAQ)

Date

From: (b)(6); (b)(7)(C)
Sent: 31 May 2018 15:28:29 +0000
To: (b)(6); (b)(7)(C)
Subject: Review 70CMSD18P00000076

Sir,

For Award Review:

FILE NAME	ACTION	LINK
File Link	No Action – For Reference Only	(b)(7)(E)
Award	Review	
Legal Review	Sign	
Award Summary	Review	
Routing Sheet	Sign	

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas | HSI-West | Contracting Officer
 DHS | ICE | Office of Acquisition Management (OAQ)
Phone: 214-905-(b)(6); **FAX:** 214-905-5568
Email: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)

Sent: Thursday, May 31, 2018 7:00 AM

To: (b)(6); (b)(7)(C)
Subject: Lie

Good morning (b)(6); (b)(7)(C)

Unintentionally, I lie to you yesterday! Sorry - I do have a pre-award review for 4.8M coming to you for review later today.
You already reviewed the J&A for this one.

(I didn't think it need it because it's not over 5M, but awards over \$700K do need OPLA review)

Thanks

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas | HSI-West | Contracting Officer
DHS | ICE | Office of Acquisition Management (OAQ)
Phone: 214-905-(b)(6); FAX: 214-905-5568
Email: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)
Sent: 13 Jun 2013 15:12:17 -0400
To: (b)(6); (b)(7)(C)
Cc:
Subject: RE: Award summary review (cald1).doc - HSCEMD-13-J-00015
Attachments: Award summary review (response).doc, Award Summary after Amendment 2.docx

(b)(6);
(b)(7)(C)

Here's the revised award summary and legal review form.

Thank you sir

(b)(6); (b)(7)(C)

OAQ Mission Support Dallas | HSI-West | Contracting Officer

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-905-(b)(6); FAX: 214-905-5568

Email: (b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: Thursday, June 13, 2013 10:32 AM
To: (b)(6); (b)(7)(C)
Cc:
Subject: Award summary review (cald1).doc - HSCEMD-13-J-00015

(b)(6);
(b)(7)(C)

Please see my comments concerning the award summary attached.

Please coordinate your revisions with me.

Thanks,

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Associate Legal Advisor

ICE Office of the Principal Legal Advisor

(p) 214.905.(b)(6);

(bb) 214.924.(b)(7)(C)

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REQUEST FOR LEGAL REVIEW

HSCEMD-13-J-00015 (HSI/Technical Operations Spectrum Support Services)

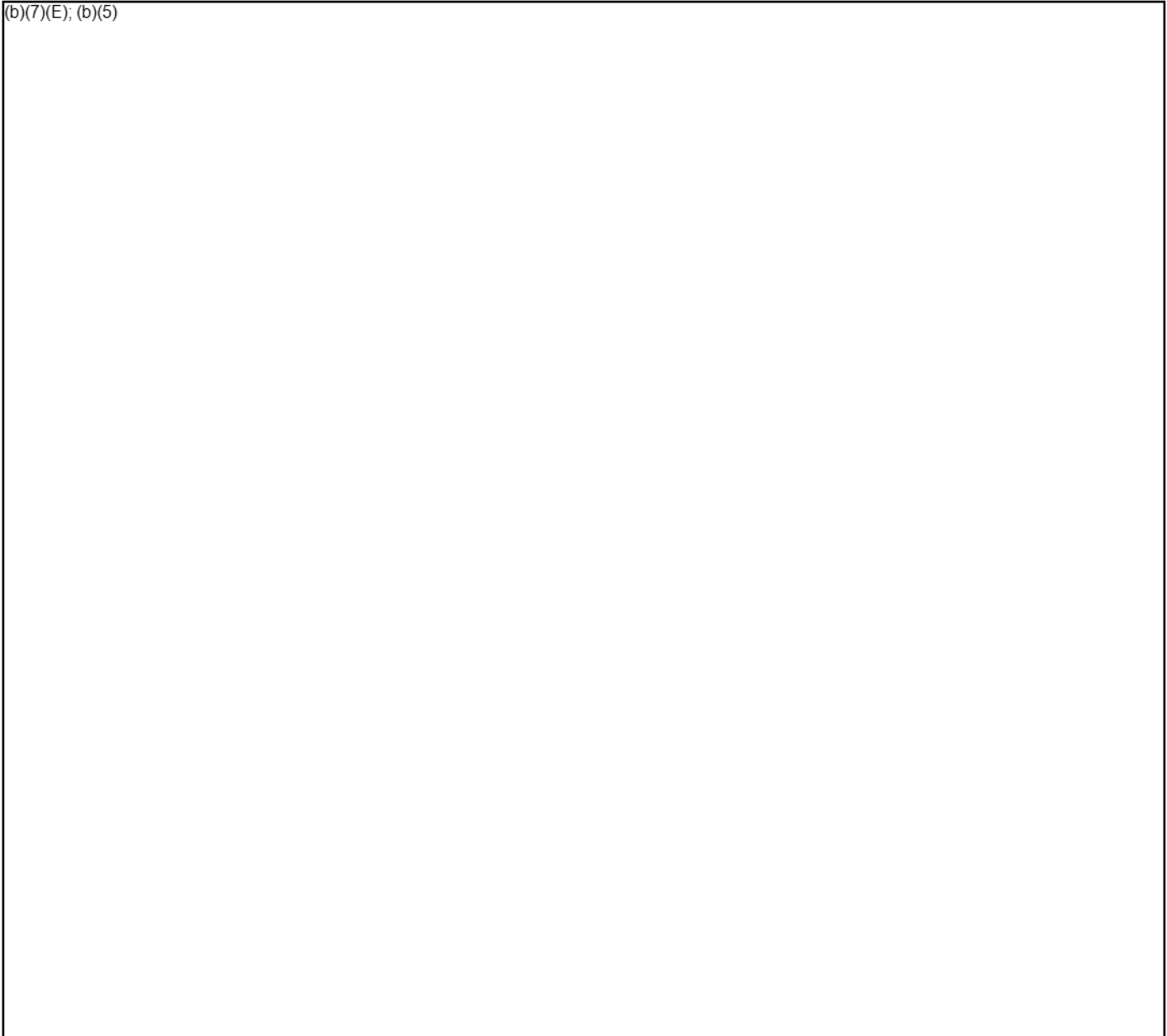
REQUEST DATE	DIVISION/OFFICE	CONTRACT SPECIALIST	TELEPHONE NO.
AQ DOC NO.	CONTRACTOR	CONTRACTING OFFICER	TELEPHONE NO.
CONTRACTING OFFICER'S COMMENTS		ATTORNEY'S COMMENTS	(b)(6); (b)(7)(C) 214-90 (b)(6); (b)(7)(C)

(b)(5); (b)(7)(E)

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(b)(7)(E); (b)(5)



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From: (b)(6); (b)(7)(C)
Sent: 4 Apr 2016 14:50:46 +0000
To: (b)(6); (b)(7)(C)
Cc:
Subject: RE: Final JOFOC for Harris Equipment Upgrade

(b)(6);
(b)(7)(C)

I have no legal objection to the proposed LSJ. I will sign the routing sheet for you when I return from DC later this week.

V/r,

(b)(6);
(b)(7)(C)

V/r,

(b)(6); (b)(7)(C)

Associate Legal Advisor
ICE Office of the Principal Legal Advisor
(O) 214-904 (b)(6);
(C) 214-924 (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: Friday, April 01, 2016 3:06:21 PM
To: (b)(6); (b)(7)(C)
Cc:
Subject: Final JOFOC for Harris Equipment Upgrade

(b)(6); (b)(7)(C)

I have corrected/implemented all comments that you had (see attached), and am in the process of obtaining a new signature page signed by (b)(6); (b)(7)(C). Please provide your signed legal sufficiency documentation, and doc routing signature cover page to me. Thank you for your review.

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas (IOSD-East) | Contracting Officer

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-904-(b)(6);

Email: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)
Sent: 22 Jul 2014 16:33:18 -0400
To: (b)(6); (b)(7)(C)
Subject: RE: Harris update

That's ok. I can take it. ☺

It makes the solicitation a lot easier and faster to create though!

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas (IOSD-East) | Contracting Officer

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-900-(b)(6);

Email: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)
Sent: Tuesday, July 22, 2014 3:32 PM
To: (b)(6); (b)(7)(C)
Subject: RE: Harris update

Hate to say it...

(b)(6); (b)(7)(C)

Associate Legal Advisor

ICE Office of the Principal Legal Advisor

(p) 214.905 (b)(6);

(bb) 214.92 (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: Tuesday, July 22, 2014 3:32 PM
To: (b)(6); (b)(7)(C)
Subject: Harris update

I just spoke to (b)(6); (b)(7)(C) at Harris. They just went through this with (b)(5); (b)(7)(E)
(b)(5); (b)(7)(E) Yes this is a developmental item based on their GSA publicized pricing for some components, and they will follow up in writing with a response to my e:mail tomorrow. They were ready for it.

I will change my J&A and send it back to you (b)(6); (b)(7)(C) momentarily.

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas (IOSD-East) | Contracting Officer

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-905-(b)(6);

Email: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)
Sent: 13 Jun 2013 15:56:19 -0400
To: (b)(6); (b)(7)(C)
Cc:
Subject: RE: HSCEMD-13-J-00015 Spectrum Support Services
Attachments: Contract Document Legal Review Corrections.pdf

(b)(6);
(b)(7)(C)

Attached are the corrected pages (29 and 30) of the award document and comments in response to your legal review.

(b)(6); (b)(7)(C)

OAQ Mission Support Dallas | Contract Specialist
DHS | ICE | Office of Acquisition Management (OAQ)
Desk: 214.905.(b)(6); Fax: 214.905.5568
Email: (b)(6); (b)(7)(C)

Your First Partner in Acquisition!

Help us Support You Better: [How's My Service?](#)

From: (b)(6); (b)(7)(C)
Sent: Thursday, June 13, 2013 10:50 AM
To: (b)(6); (b)(7)(C)
Cc:
Subject: HSCEMD-13-J-00015 Spectrum Support Services

(b)(6);
(b)(7)(C)

Please find attached my comments concerning the award document.

V/r

(b)(6); (b)(7)(C)

Associate Legal Advisor
ICE Office of the Principal Legal Advisor
(p) 214.905.(b)(6);
(bb) 214.924.(b)(7)(C)

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REQUEST FOR LEGAL REVIEW

REQUEST DATE June 11, 2013	CONTRACT SPECIALIST (b)(6); (b)(7)(C)	TELEPHONE NO. 214 (b)(6); (b)(7)(C)
DIVISION/OFFICE OAQ / MSD	CONTRACTING OFFICER (b)(6); (b)(7)(C)	TELEPHONE NO. 214 (b)(6); (b)(7)(C)
ACQUISITION DOCUMENT NO. HSCEMD-13-J-00015 - <i>Order Review</i>	CONTRACTOR Zantech IT Services, Inc.	
CONTRACTING OFFICER'S COMMENTS Request Pre-Award legal review 1) Added 52.217-8 2) Key personnel names added to HSAR 3052.215-70 3) added 52.212-4 AHTI. Also, this clause is included in the contractor's TABBs Contract.	ATTORNEY'S COMMENTS <input type="checkbox"/> Legally Sufficient <input checked="" type="checkbox"/> Legally Sufficient Subject to Comments <input type="checkbox"/> Legally Insufficient (see comments below) ATTORNEY: (b)(6); (b)(7)(C) DATE: <u>6/13/2013</u> 1) Add: 52.217-8 OPRN to extended services. 2) Reference HSAR 3052.215-70 key personnel, pursuant to (b) identify the "Special individuals" by Name, not just position. 3) Indicate that 52.212-4 AHTI applies to this Task Order.	

All personnel who access Department information systems will be continually evaluated while performing these duties. Supervisors should be aware of any unusual or inappropriate behavior by personnel accessing systems. Any unauthorized access, sharing of passwords, or other questionable security procedures should be reported to the local Security Office or Information System Security Officer (ISSO).

16.0 OTHER DELIVERY ORDER TERMS

16.1. INCORPORATED CLAUSES:

FAR and HSAR provisions and clauses can be accessed at <http://farsite.hill.af.mil/>

52.212-4 Contract Terms and Conditions—Commercial Items (JUNE 2010) with Alternate I (OCT 2008)

52.213-3 -- Notice to Supplier (Apr 1984)

52.217-8 -- Option to Extend Services (Nov 1999)

The Government may require continued performance of any services within the limits and at the rates specified in the contract. These rates may be adjusted only as a result of revisions to prevailing labor rates provided by the Secretary of Labor. The option provision may be exercised more than once, but the total extension of performance hereunder shall not exceed 6 months. The Contracting Officer may exercise the option by written notice to the Contractor prior to task order expiration.

FAR 52.217-9 Option to Extend the Term of the Contract (Mar 2000): (a) The Government may extend the term of this contract by written notice to the Contractor prior to expiration; provided, that the Government gives the Contractor a preliminary written notice of its intent to extend at least 30 days prior to the contract expiration date. The preliminary notice does not commit the Government to an extension. (b) If the Government exercises this option, the extended contract shall be considered to include this option clause. (c) The total duration of this contract, including the exercise of any options under this clause, shall not exceed 36 months.
(End of Clause)

HSAR 3052.205-70 Advertisements, Publicizing Awards, and Releases (SEP 2012).

The Contractor shall not refer to this contract in commercial advertising or similar promotions in such a manner as to state or imply that the product or service provided is endorsed or preferred by the Federal Government or is considered by the Government to be superior to other products or services.
(End of clause)

ALTERNATE I (SEP 2012)

If a contract involves sensitive or classified information, designate the paragraph in the base clause as (a) and add the following paragraph (b) to the clause:

(b) All advertisements, releases, announcements, or other publication regarding this contract or the agency programs and projects covered under it, or the results or conclusions made pursuant to performance, must be approved by the Contracting Officer. Under no circumstances shall the

Contractor, or anyone acting on behalf of the Contractor, refer to the supplies, services, or equipment furnished pursuant to the provisions of this contract in any publicity, release, or commercial advertising without first obtaining explicit written consent to do so from the Contracting Officer.

(End of clause)

HSAR 3052.215-70 Key Personnel (DEC 2003)

(a) The personnel specified below are considered essential to the work being performed under this contract and may, with the consent of the contracting parties, be changed from time to time during the course of the contract by adding or deleting personnel, as appropriate.

(b) Before removing or replacing any of the specified individuals, the Contractor shall notify the Contracting Officer, in writing, before the change becomes effective. The Contractor shall submit sufficient information to support the proposed action and to enable the Contracting Officer to evaluate the potential impact of the change on this contract. The Contractor shall not remove or replace personnel until the Contracting Officer approves the change.

Key Personnel under this task order:

The Project Manager: Ken Atkinson

The Senior Computer Systems Specialist / Network Engineer: Behrouz Kohan

The Senior Engineer Subject Matter Expert (SME): Dave Kanterman

(End of clause)

3052.242-72 Contracting officer's technical representative. (DEC 2003)

(a) The Contracting Officer may designate Government personnel to act as the Contracting Officer's Technical Representative (COTR) to perform functions under the contract such as review or inspection and acceptance of supplies, services, including construction, and other functions of a technical nature. The Contracting Officer will provide a written notice of such designation to the Contractor within five working days after contract award or for construction, not less than five working days prior to giving the contractor the notice to proceed. The designation letter will set forth the authorities and limitations of the COTR under the contract.

(b) The Contracting Officer cannot authorize the COTR or any other representative to sign documents, such as contracts, contract modifications, etc., that require the signature of the Contracting Officer.

(End of clause)

PER ALL TABBS CONTRACTS:

H-8 Advertisements, Publicizing Awards, and News Releases

All press releases or announcements about any contract/task order award hereunder shall be approved by the contract/task order contracting officer prior to release. Under no circumstances shall the Contractor, or anyone acting on behalf of the Contractor, refer to the supplies, services, or equipment furnished pursuant to the provisions of this contract in any publicity news release or commercial advertising without first obtaining explicit written consent to do so from the contract/task order contracting officer. The Contractor agrees not to refer to awards in commercial advertising in such a manner as to state or imply that the product or service provided is endorsed or preferred by the Federal Government or is considered by the Government to be superior to other products or services.

From: (b)(6); (b)(7)(C)
Sent: 16 May 2018 16:26:06 +0000
To: (b)(6); (b)(7)(C)
Cc:
Subject: RE: J&A Legal Review 192118VHQ6TSPC008.1
Attachments: 192118VHQ6TSPC008 OTA Sole Source.doc

(b)(6);
(b)(7)(C)

I saved the other documents to the file. See comments attached. No objection provided you address my comment.

Thanks.

V/r,

(b)(6); (b)(7)(C)

Associate Legal Advisor
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Department of Homeland Security
Desk: (214) 905 (b)(6);
Email: (b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: Tuesday, May 15, 2018 2:46 PM
To: (b)(6); (b)(7)(C)
Cc:
Subject: J&A Legal Review 192118VHQ6TSPC008.1

(b)(6); (b)(7)(C)

Can you please provide a legal review on this one?

FILE NAME	ACTION	LINK
-----------	--------	------

File Link	No Action – For Reference Only -ALL documents are in draft form	(b)(7)(E)
Routing Sheet	Sign	
Legal Review	Sign / Comments	
J&A	Review	

Thank you

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas | HSI-West | Contracting Officer

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-905-(b)(6); (b)(7) **FAX: 214-905-5568**

Email: (b)(6); (b)(7)(C)

Office of Acquisition Management (OAQ)
Immigration & Customs Enforcement (ICE)
Department of Homeland Security (DHS)

Justification and Approval for other than Full and Open Competition

(b)(5); (b)(7)(E)

1. Agency and Contracting Activity

The Department of Homeland Security (DHS), United States (U.S.) Immigration and Customs Enforcement (ICE), proposes to enter into a contract on a basis other than full and open competition. The contracting activity is the Office of Acquisition Management, Investigation and Operations Support Dallas, TX.

2. Nature and/or Description of the Action Being Approved

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

4. Identification of Statutory Authority Permitting Other Than Full and Open Competition

(b)(5); (b)(7)(E)

5. Demonstration of the Contractor's Unique Qualifications or the Nature of the Acquisition Requires the Use of the Authority Cited

(b)(5); (b)(7)(E)

6. Efforts to Obtain Competition

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

(b)(5); (b)(7)(E)

7. Determination by the Contracting Officer that the Anticipated Cost to the Government Will be Fair and Reasonable

(b)(5); (b)(7)(E)

8. Description of Market Research

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

9. Any Other Facts Supporting the Use of Other than Full and Open Competition

(b)(5); (b)(7)(E)

10. Listing of Sources, if any, that Expressed in Writing and Interest in the Acquisition

Harris Corporation
P.O Box 9800
Melbourne, FL 32902

11. A Statements of the Actions, if any, the Agency May Take to Remove or Overcome Barriers To Competition Before any Subsequent Acquisition for Supplies or Services Required

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

12. Certifications

I certify that the facts and representation under my cognizance, which are included in this justification, meet the Government’s minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

(b)(5)

Date

Immigration and Customs Enforcement (ICE)

Technical Operations (Tech Ops)

Phone number: 703-551 (b)(5)

13. CONTRACTING OFFICER’S CERTIFICATION

I certify that the justification is accurate and complete to the best of my knowledge and belief.

(b)(5)

Date

Contracting Officer

From: (b)(6); (b)(7)(C)
Sent: 16 May 2018 16:34:16 +0000
To: (b)(6); (b)(7)(C)
Cc:
Subject: RE: J&A Legal Review 192118VHQ6TSPC008.1

Thank you (b)(6); (b)(7)(C)

I will include the part numbers in the document.

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas | HSI-West | Contracting Officer
DHS | ICE | Office of Acquisition Management (OAQ)
Phone: 214-905-(b)(6); (b)(7)(C) **AX:** 214-905-5568
Email: (b)(6); (b)(7)(C)

From: E (b)(6); (b)(7)(C)
Sent: Wednesday, May 16, 2018 11:26 AM
To: (b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
Subject: RE: J&A Legal Review 192118VHQ6TSPC008.1

(b)(6); (b)(7)(C)

I saved the other documents to the file. See comments attached. No objection provided you address my comment.

Thanks.

V/r
(b)(6); (b)(7)(C)

Associate Legal Advisor
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Department of Homeland Security
Desk: (214) 905-(b)(6); (b)(7)(C)
Email: (b)(6); (b)(7)(C)

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~~Legal Advisor, U.S. Immigration and Customs Enforcement. This document is for INTERNAL GOVERNMENT USE ONLY and may be exempt from disclosure under the Freedom of Information Act, 5 USC §§ 552(b)(5), (b)(7).~~

From: (b)(6); (b)(7)(C)
Sent: Tuesday, May 15, 2018 2:46 PM
To: (b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
Subject: J&A Legal Review 192118VHQ6TSPC008.1

(b)(6);
(b)(7)(C)

Can you please provide a legal review on this one?

FILE NAME	ACTION	LINK
File Link	No Action – For Reference Only -ALL documents are in draft form	(b)(7)(E)
Routing Sheet	Sign	
Legal Review	Sign / Comments	
J&A	Review	

Thank you

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas | HSI-West | Contracting Officer
DHS | ICE | Office of Acquisition Management (OAQ)
Phone: 214-905-5144 **FAX:** 214-905-5568
Email: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)
Sent: 14 Jun 2013 10:20:35 -0400
To: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Subject: RE: Pre-Award CRB for SPECTRUM

Good morning everyone,

Here's the link to the SPECTRUM CRB

(b)(7)(E)

Thank you

(b)(6); (b)(7)(C)

OAQ Mission Support Dallas | HSI-West | Contracting Officer

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-905-(b)(6); (b)(7)(C) **FAX:** 214-905-5568

Email: (b)(6); (b)(7)(C)

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-----Original Appointment-----

From: (b)(6); (b)(7)(C)

Sent: Thursday, June 13, 2013 3:42 PM

(b)(6); (b)(7)(C)

Subject: Pre-Award CRB for SPECTRUM

When: Wednesday, June 19, 2013 12:00 PM-1:00 PM (UTC-06:00) Central Time (US & Canada).

Where: Conference Call

CRB schedule for Pre-award of the SPECTRUM Support Services.

Teleconference and videoconference numbers will be provided upon confirmation.

(b)(6); (b)(7)(C)

OAQ Mission Support Dallas | HSI-West | Contracting Officer

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-905-(b)(6) **FAX:** 214-905-5568

Email: (b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: 21 Sep 2012 19:33:10 +0000
To: (b)(6); (b)(7)(C)
Cc:
Subject: RE: Question on FOIA release of info

So were the documents released or not?

Check the DHS and ICE management directives, but I believe you may be able to mark them with a FOUO marking. I'll check into that when I have a chance.

V/r

(b)(6); (b)(7)(C)

Associate Legal Advisor
ICE Office of the Principal Legal Advisor

(p) 214.905 (b)(6);
(b) 214.92 (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: Friday, September 21, 2012 1:42 PM
To: (b)(6); (b)(7)(C)
Cc:
Subject: Question on FOIA release of info

(b)(6);
(b)(7)(C)

(b)(5); (b)(7)(E)

(b)(7)(E); (b)(5)

(b)(6);
(b)(7)(C)

is talking about doing a telecon sometime next month to discuss this topic. Will keep you posted.

(b)(6); (b)(7)(C)

Mission Support - Dallas (MSD), OI East Team – Contracting Officer

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-905-5[redacted]

Email: [redacted]

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From:

(b)(6); (b)(7)(C)

Sent:

22 Jul 2014 16:47:06 -0400

To:

(b)(6); (b)(7)(C)

Cc:

Subject:

Updated sole source for Harris

Attachments:

Sole Source Harris Crossbow System 2014 - rev inc Comm Item info.doc

(b)(6); (b)(7)(C)

Please see attached, and advise if there are any other changes you would recommend.

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas (IOSD-East) | Contracting Officer

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-905 (b)(6);

Email: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)
Sent: 23 Jul 2014 12:31:39 +0000
To: (b)(6); (b)(7)(C)
Cc:
Subject: [procurement-J&A] FW: Updated sole source for Harris Corporation
Attachments: Sole Source Harris Crossbow System 2014 - rev inc Comm Item info.doc, Sole Source Harris Crossbow System 2014 - rev inc Comm Item info(cald).doc

(b)(6);
(b)(7)(C)

I have no objections provided you incorporate my proposed edits (see track-changes) prior to executing the J&A.

V/r,

(b)(6); (b)(7)(C)

Associate Legal Advisor
ICE Office of the Principal Legal Advisor
(p) 214.905 (b)(6);
(bb) 214.92 (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: Tuesday, July 22, 2014 3:47 PM
To: (b)(6); (b)(7)(C)
Cc:
Subject: Updated sole source for Harris

(b)(6);
(b)(7)(C)

Please see attached, and advise if there are any other changes you would recommend.

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas (IOSD-East) | Contracting Officer
DHS | ICE | Office of Acquisition Management (OAQ)
Phone: 214-905 (b)(6);
Email: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)
Sent: 31 May 2018 19:01:56 +0000
To: (b)(6); (b)(7)(C)
Subject: RE: Review 70CMSD18P00000076
Attachments: Request for Legal Review - Award - OTA(calds).doc, Routing Sheet Award - OTA(calds).doc

(b)(6);
(b)(7)(C)

No objections.

Thanks.

V/r,

(b)(6); (b)(7)(C)

Associate Legal Advisor
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Department of Homeland Security
Desk: (714) 905- (b)(6);
Email: (b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: Thursday, May 31, 2018 10:28 AM
To: (b)(6); (b)(7)(C)
Subject: Review 70CMSD18P00000076

Sir,

For Award Review:

FILE NAME	ACTION	LINK
File Link	No Action – For Reference Only	(b)(7)(E)

		(b)(7)(E)
Award	Review	
Legal Review	Sign	
Award Summary	Review	
Routing Sheet	Sign	

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas | HSI-West | Contracting Officer

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-905-(b)(6); AX: 214-905-5568

Email: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)

Sent: Thursday, May 31, 2018 7:00 AM

To: (b)(6); (b)(7)(C)

Subject: Lie

Good morning (b)(6); (b)(7)(C)

Unintentionally, I lie to you yesterday! Sorry - I do have a pre-award review for 4.8M coming to you for review later today.

You already reviewed the J&A for this one.

(I didn't think it need it because it's not over 5M, but awards over \$700K do need OPLA review)

Thanks

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas | HSI-West | Contracting Officer

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-90 (b)(6); (b)(7)(C) **FAX: 214-905-5568**

Email: (b)(6); (b)(7)(C)

REQUEST FOR LEGAL REVIEW

REQUEST DATE 31 May 2018	CONTRACT SPECIALIST <div style="border: 1px solid black; padding: 2px; width: fit-content;">(b)(6); (b)(7)(C)</div>	TELEPHONE NO. 214-90 <div style="border: 1px solid black; padding: 2px; width: fit-content;">(b)(6); (b)(7)(C)</div>
DIVISION/OFFICE OAQ / IOSD	CONTRACTING OFFICER <div style="border: 1px solid black; padding: 2px; width: fit-content;">(b)(6); (b)(7)(C)</div>	TELEPHONE NO. 214-90 <div style="border: 1px solid black; padding: 2px; width: fit-content;">(b)(6); (b)(7)(C)</div>
ACQUISITION DOCUMENT NO. 70CMSD18P00000076	CONTRACTOR Harris Corporation	
CONTRACTING OFFICER'S COMMENTS Request pre-award legal review of over-the-air (OTA) equipment.	ATTORNEY'S COMMENTS x Legally Sufficient <input type="checkbox"/> Legally Sufficient Subject to Comments <input type="checkbox"/> Legally Insufficient (see comments below) ATTORNEY: <div style="border: 1px solid black; padding: 2px; width: fit-content;">(b)(6); (b)(7)(C)</div> DATE: ___5/31/18	

Document Routing Form



U.S. Immigration
and Customs
Enforcement

1	Date: May 31, 2018	Purpose: <input type="checkbox"/> Congressional <input type="checkbox"/> DHS <input checked="" type="checkbox"/> Routine	SharePoint Tracking No:
From:	(b)(6); (b)(7)(C)	Office: OAQ/IOSD	Telephone No: 214- (b)(6); (b)(7)(C)
			Room No: (b)(6); (b)(7)(C)
Subject Request one level above CO & Legal review – Pre-Award.			
Comments: Document will be signed once review is completed		Additional Requirements	

2 Required Concurrences Before Routing to the Office of the Director						
Name	Extension	Office	Action Requested	Initial	Date	Comments
(b)(6); (b)(7)(C)		OAQ	X Concur <input type="checkbox"/> Sign	(b)(6); (b)(7)(C)	5/31/2018	
		OAQ	<input type="checkbox"/> Concur <input type="checkbox"/> Sign		31MAY18	No comment.
		OPLA	<input type="checkbox"/> Concur <input type="checkbox"/> Sign		31 May 31, 2018	No comment

3 Office of the Director Concurrences						
ICE Director's Office						

From: (b)(6); (b)(7)(C)
Sent: 30 May 2013 15:25:11 -0400
To: (b)(6); (b)(7)(C)
Cc:
Subject: RE: Spectrum Amendment (2) to RFQ(CALD).doc
Attachments: Spectrum Amendment (2) to RFQ(CALD).doc

(b)(6);
(b)(7)(C)

(b)(6);
(b)(7)(C) and I scrubbed it – for your review.

Thanks

(b)(6); (b)(7)(C)
OAQ Mission Support Dallas | HSI-West | Contracting Officer
DHS | ICE | Office of Acquisition Management (OAQ)
Phone: 214-905-(b)(6); (b)(7)(C) FAX: 214-905-5568
Email: (b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: Thursday, May 30, 2013 1:33 PM
To: (b)(6); (b)(7)(C)
Cc:
Subject: Spectrum Amendment (2) to RFQ(CALD).doc

(b)(6);
(b)(7)(C)

I made some initial comments on the PWS. Please take a look, and standardized the format of the positions and ensure that the desired experience is clearly communicated.

V/r

(b)(6); (b)(7)(C)

Associate Legal Advisor
ICE Office of the Principal Legal Advisor
(p) 214.905 (b)(6);
(bb) 214.92 (b)(7)(C)

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~~Advisor, U.S. Immigration and Customs Enforcement. This document is for INTERNAL GOVERNMENT USE ONLY and may be exempt from disclosure under the Freedom of Information Act, 5 USC §§ 552(b)(5), (b)(7).~~

From: (b)(6); (b)(7)(C)
Sent: 3 Jun 2013 10:39:13 -0400
To: (b)(6); (b)(7)(C)
Cc:
Subject: RE: Spectrum Amendment (2) to RFQ(CALD).doc

Thank you (b)(6); (b)(7)(C)

We accepted all the changes and the Program Office will review it to make sure they have what they need in the SOW. If they are ok with it, the amendment will go out today.

Thanks again

(b)(6); (b)(7)(C)

OAQ Mission Support Dallas | HSI-West | Contracting Officer

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-905-(b)(6); (b)(7)(C) **FAX:** 214-905-5568

Email: (b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: Monday, June 03, 2013 8:08 AM
To: (b)(6); (b)(7)(C)
Cc:
Subject: FW: Spectrum Amendment (2) to RFQ(CALD).doc

(b)(6); (b)(7)(C)

Please see attached amendment (CALD2) wherein I proposed some minor edits for clarification. Please advise if you accept all proposed changes. If so, I have no objection to proceeding with the amendment.

Thanks,
(b)(6); (b)(7)(C)

Associate Legal Advisor
ICE Office of the Principal Legal Advisor
(p) 214.905.(b)(6); (b)(7)(C)
(bb) 214.924

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From:
Sent: Thursday, May 30, 2013 2:25 PM
To: (b)(6); (b)(7)(C)
Cc:
Subject: RE: Spectrum Amendment (2) to RFQ(CALD).doc

(b)(6);
(b)(7)(C)

(b)(6);
(b)(7)(C) and I scrubbed it – for your review.

Thanks

(b)(6); (b)(7)(C)

OAQ Mission Support Dallas | HSI-West | Contracting Officer
DHS | ICE | Office of Acquisition Management (OAQ)
Phone: 214-905-(b)(6); **FAX:** 214-905-5568
Email: (b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: Thursday, May 30, 2013 1:33 PM
To: (b)(6); (b)(7)(C)
Cc:
Subject: Spectrum Amendment (2) to RFQ(CALD).doc

(b)(6); (b)(7)(C)

I made some initial comments on the PWS. Please take a look, and standardized the format of the positions and ensure that the desired experience is clearly communicated.

V/r

(b)(6); (b)(7)(C)

Associate Legal Advisor
ICE Office of the Principal Legal Advisor
(p) 214.905.(b)(6);
(bb) 214.92.(b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: 22 Jul 2014 15:16:51 -0400
To: (b)(6); (b)(7)(C)
Subject: Sole Source for Harris Procurement
Attachments: Sole source documentation from Harris.pdf, Sole Source Harris Crossbow System 2014(cald)kk updated.doc

(b)(6); (b)(7)(C)

I will bring you the docs for your signature momentarily, but I have attached the revised J&A for your review electronically.

The program updated the market research in two places, and I updated the segment concerning it being a commercial item, or not a commercial item. It definitely is not a commercial item and will not ever be a commercial item according to the Harris Corp CM. Their sole source documentation is attached to this e:mail, and a cy is in file.

Let me know if you need anything else.

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas (IOSD-East) | Contracting Officer

DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-905-^{(b)(6);}

Email: (b)(6); (b)(7)(C)



HARRIS CORPORATION

Government
Communications Systems
P.O. Box 37
Melbourne, FL USA 32902-0037
phone 1-321-727-9100

harris.com

19 September 2013

(b)(6); (b)(7)(C)

Mission Support – Dallas (MSD), OI East Team – Contracting Office
DHS/ICE/Office of Acquisition Management
7701 Stemmons Freeway, Ste (b)(6); (b)(7)(C)
Dallas, Texas 75247-4232

Subject: Sole Source Justification and Price Reasonableness

To Whom It May Concern:

Harris Corporation, Government Communications Systems acting through its Wireless Products Group in Melbourne, Florida ("Harris") offers a comprehensive line of cellular transceiver equipment, accessories, training and maintenance for exclusive use by Government and Law Enforcement Agencies and is protected under USC Title 18. Harris developed the equipment and maintains exclusive ownership rights to its designs and software code. The designs and software code are considered Harris' proprietary information. Disclosure of Harris' proprietary information, including but not limited to posting said proprietary information on public websites, is strictly prohibited by certain confidentiality agreements.

Harris is the only source and supplier in the world for the RayFish® Products which includes the Crossbow System.

Harris maintains an internal price list for its product line. Any quotes provided by Harris use the standard domestic prices contained on the internal price list. Harris' standard domestic prices are the same prices charged to all Government and Law Enforcement customers. In addition, customers who are authorized to purchase off the General Services Administration ("GSA") Contract can use GSA Contract number GS-35F-0283J for applicable Harris products. In accordance with GSA Contract terms and conditions Harris can only offer its prices off GSA Contract number GS-35F-0283J to authorized agencies.

If you have any questions or require any additional information, please contact at (321) 309-(b)(6); (b)(7)(C) or by email at (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Contracts Manager

Office of Acquisition Management (OAQ)
Immigration & Customs Enforcement (ICE)
Department of Homeland Security (DHS)

Justification and Approval for other than Full and Open Competition

1. Agency and Contracting Activity

The Department of Homeland Security (DHS), United States (U.S.) Immigration and Customs Enforcement (ICE), proposes to enter into a contract on a basis other than full and open competition. The contracting activity is the Office of Acquisition Management, Investigation and Operations Support Dallas, TX.

2. Nature and/or Description of the Action Being Approved

(b)(5); (b)(7)(E)

3. Description of Supplies/Services

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

(b)(5); (b)(7)(E)

4. Identification of Statutory Authority Permitting Other Than Full and Open Competition

(b)(5); (b)(7)(E)

5. Demonstration of the Contractor's Unique Qualifications or the Nature of the Acquisition Requires the Use of the Authority Cited

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

6. Efforts to Obtain Competition

(b)(5); (b)(7)(E)

7. Determination by the Contracting Officer that the Anticipated Cost to the Government Will be Fair and Reasonable

(b)(5); (b)(7)(E)

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

(b)(5); (b)(7)(E)

8. Description of Market Research

(b)(5); (b)(7)(E)

9. Any Other Facts Supporting the Use of Other than Full and Open Competition

(b)(5); (b)(7)(E)

10. Listing of Sources, if any, that Expressed in Writing and Interest in the Acquisition

Harris Corporation
P.O Box 9800
Melbourne, FL 32902

11. A Statements of the Actions, if any, the Agency May Take to Remove or Overcome Barriers To Competition Before any Subsequent Acquisition for Supplies or Services Required

(b)(5); (b)(7)(E)

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Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

12. Certifications

I certify that the facts and representation under my cognizance, which are included in this justification, meet the Government’s minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

(b)(5)

Date

Immigration and Customs Enforcement (ICE)

Technical Operations (Tech Ops)

Phone number: 703-551-(b)(5)

13. CONTRACTING OFFICER’S CERTIFICATION

I certify that the justification is accurate and complete to the best of my knowledge and belief.

(b)(5)

Date

Contracting Officer

ICE/OAQ - MSD

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Source Selection Sensitive in accordance with FAR 3.104-4

Justification and Approval for Other than Full and Open Competition
Open Market Equipment/Training for the Harris Crossbow System

Reviewed by:

(b)(5) _____
OAQ-IOSD-DAD

Date

(b)(5) _____
OAQ-IOSD-AD

Date

Approved by:

This justification is hereby approved:

(b)(5) _____
Competition Advocate
Office of Acquisition Management (OAQ)

Date

From: (b)(6); (b)(7)(C)
Sent: 10 Nov 2015 08:17:17 -0500
To: (b)(6); (b)(7)(C)
Subject: Stingrays/FYI

(b)(7)(E)

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas | Deputy Assistant Director
DHS | ICE | Office of Acquisition Management (OAQ)
Phone: 214-905-(b)(6);
Blackberry: 202-380-(b)(6); (b)(7)(C)
Email: (b)(6); (b)(7)(C)

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From:

(b)(6); (b)(7)(C)

Sent:

7 Apr 2015 14:41:07 -0400

To:

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Subject:

StingRay/harris Corp

(b)(7)(E)

(b)(6); (b)(7)(C)

Investigations & Operations Support Dallas | Deputy Assistant Director
DHS | ICE | Office of Acquisition Management (OAQ)

Phone: 214-905 (b)(6);

Blackberry: 202-380 (b)(6);

Email: (b)(6); (b)(7)(C)

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U.S. Immigration and Customs Enforcement
Response to Request for the Rate of Use of International Mobile Subscriber Identity
Catcher Technology
9/21/2017

The statistics listed below reflect only Homeland Security Investigations usage of international subscriber identity catcher technology.

- 1) The number of times your Office has deployed International Mobile Subscriber Identity (IMSI) Catchers, i.e., cell-site simulators. 223
- 2) How many individuals have been apprehended (i.e., arrested) using IMSI Catchers and related technologies i.e., cell-site simulators? 95
- 3) How many times IMSI Catchers and related technologies, i.e., cell-site simulators, have been utilized to gather evidence relevant to a case against any apprehended individuals? 104



U.S. Immigration and Customs Enforcement
Response to Request for the Rate of Use of International Mobile Subscriber Identity
Catcher Technology
9/21/2017

(b)(5)

(b)(5)

(b) (5), (b) (7)(E)

From: OPLA-CLS
Sent: 9 Jun 2017 15:11:43 +0000
To: (b)(6); (b)(7)(C)
Cc:
Subject: FW: query - CLS SME re Cell Site Simulator
Attachments: 12-2258_opn[1].pdf

Good Morning,

Please note the email below from (b)(6); (b)(7)(C) the CLS inbox seeking guidance on the use of cell site simulator technology. Recommend someone from Tech Ops team provide assistance.

Best,

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Associate Legal Advisor
Criminal Law Section
Homeland Security Investigations Law Division
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
202-732-(b)(6); (b)(7)(C) office)
202-494-(b)(6); (b)(7)(C) mobile)

(b)(6); (b)(7)(C)

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From: (b)(6); (b)(7)(C)
Sent: Friday, June 09, 2017 10:41 AM
To: OPLA-CLS
Subject: query - CLS SME re Cell Site Simulator

CLS Colleagues:

(b)(5); (b)(7)(E)

(b)(5); (b)(7)(E)

If convenient, the duty attorney and/or SME is free to give me a call. I am in the office today.

Thank you, (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Homeland Security Investigations Law Division
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
202-732-(b)(6); (w)
202-904-(b)(7)(c)

(b)(6); (b)(7)(C)

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UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

August Term, 2014

(Argued: August 26, 2014 Decided: November 3, 2014)

Docket No. 12-2258-ag

SUZHEN MENG,

Petitioner,

— v. —

ERIC H. HOLDER, JR., UNITED STATES ATTORNEY GENERAL,

Respondent.

Before:

WINTER, RAGGI, CARNEY, *Circuit Judges.*

Petition for review of a Board of Immigration Appeals decision upholding an order of removal and the denial of (1) asylum and withholding of removal on the ground that the statutory “persecutor bar” precluded such relief given petitioner’s two-decade history of reporting women pregnant in violation of

China's family planning policy to local authorities, knowing that many such women would then be subject to forcible abortions or involuntary sterilizations; and (2) relief pursuant to the Convention Against Torture because petitioner failed to establish that it was more likely than not that she would be tortured if returned to China.

Petition for review DENIED.

GARY J. YERMAN, The Yerman Group, LLC, New York, New York, *for Petitioner.*

ALISON MARIE IGOE, Senior Counsel (Stuart F. Delery, Principal Deputy Assistant Attorney General; Lyle Jentzer, Senior Counsel, *on the brief*), Office of Immigration Litigation, United States Department of Justice, Washington, D.C., *for Respondent.*

REENA RAGGI, *Circuit Judge:*

Petitioner Suzhen Meng is a native and citizen of the People's Republic of China who seeks asylum, withholding of removal, and relief pursuant to the Convention Against Torture ("CAT") based on past political persecution in China, which she claims to have experienced because, as a local public security officer, she refused to collect security fees and reported police corruption. Meng now petitions this court for review of the May 9, 2012 decision of the Board of

Immigration Appeals (“BIA”) upholding the April 22, 2010 decision of Immigration Judge (“IJ”) Javier E. Balasquide, which denied Meng such relief and ordered her removal from the United States. See In re Suzhen Meng, No. A089 224 906 (B.I.A. May 9, 2012), aff’g No. A089 224 906 (Immig. Ct. N.Y.C. Apr. 22, 2010).

Meng contends that the agency erred in concluding that the statutory “persecutor bar” rendered her ineligible for asylum and withholding of removal. See 8 U.S.C. §§ 1158(b)(2)(A)(i), 1231(b)(3)(B)(i). She maintains that her actions as a public security officer, specifically, her reporting women pregnant in violation of China’s family planning limitations to local authorities, were insufficient as a matter of law to constitute “assistance” in persecution. Meng also challenges the agency’s finding that she failed to carry her burden for CAT relief.

For the reasons explained in this opinion, we identify no error in the agency’s rulings and, accordingly, we deny the petition for review.

I. Background

A. Meng’s Application for Relief

On February 25, 2008, Meng was admitted to the United States as a non-immigrant visitor with authorization to remain for six months. Five months later, on July 24, 2008, Meng filed for asylum, withholding of removal, and CAT

relief, stating that she had suffered past political persecution when, as a public security officer in her local community, she refused to collect a security fee from residents and wrote a letter to the local public security bureau alleging that the police chief was corrupt. Meng asserted that, as a result of these actions, her passport was confiscated and she was arrested and held in custody for 14 days, during which time a guard slapped her in the face several times and fellow prisoners beat her on instruction of the guards. Ten months later, Meng's passport was returned when she promised not to engage in any further anti-government activities, whereupon she left China.

B. Meng's Immigration Hearing

On September 16, 2008, Meng was charged as subject to removal for having overstayed her visa. See 8 U.S.C. § 1182(a)(7)(A)(i)(I). At an October 1, 2009 hearing before the IJ, Meng pursued her claim for relief from removal by testifying to the persecution alleged in her application. She also testified to her job responsibilities as a public security officer, a position she had held for 22 years. Meng stated that, in that capacity, she oversaw approximately 1,100 households, and that her duties included reporting all pregnant women to China's family planning office, including women pregnant in violation of state

limitations. Meng understood that when she reported a policy-violating woman to authorities, that woman would be punished, typically by being forced to undergo an abortion or sterilization. Indeed, she testified to having seen such women dragged away forcibly by the police. Nevertheless, Meng voluntarily continued to serve as a security officer and to make her reports, although she sometimes advised women whom she would report as being pregnant in violation of family planning policy to go into hiding or to flee.

C. Denial of Relief

On April 22, 2010, the IJ denied Meng's application for relief and ordered her removed. Although the IJ found Meng credible, he ruled that her active assistance in the persecution of women pregnant in violation of China's family planning policy barred her from receiving asylum or withholding of removal. The IJ further denied Meng CAT relief, concluding that she had failed to show that it was more likely than not that she would be tortured if returned to China.

The BIA essentially agreed with the IJ and dismissed Meng's appeal, prompting this petition for review.

II. Discussion

A. Standard of Review

On a petition for review of a BIA decision, we apply the deferential substantial-evidence standard to the agency’s findings of fact, treating them as “conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary.” 8 U.S.C. § 1252(b)(4)(B); see Shunfu Li v. Mukasey, 529 F.3d 141, 146 (2d Cir. 2008). We apply de novo review, however, to questions of law, including whether an alien’s conduct could render her a “persecutor” as that term is statutorily defined. See 8 U.S.C. §§ 1158(b)(2)(A)(i), 1231(b)(3)(B)(i); Yanqin Weng v. Holder, 562 F.3d 510, 513 (2d Cir. 2009).

Where, as here, the BIA upholds the IJ’s decision and “closely tracks the IJ’s reasoning, this Court may consider both the IJ’s and the BIA’s opinions for the sake of completeness.” Maldonado v. Holder, 763 F.3d 155, 158–59 (2d Cir. 2014).

B. Asylum and Withholding of Removal: The “Persecutor Bar”

Asylum is a form of discretionary relief that allows an otherwise removable alien to remain and work in the United States if she demonstrates that she is a “refugee,” i.e., an alien who “is unable or unwilling to return to, and is

unable or unwilling to avail . . . herself of the protection of, [her native] country because of [past] persecution or a well founded fear of [future] persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.” See 8 U.S.C. §§ 1101(a), 1158(b)(1)(A), (b)(3), (c)(1); 8 C.F.R. §§ 1208.13(b), 1208.21; Mei Fun Wong v. Holder, 633 F.3d 64, 68 (2d Cir. 2011). Withholding of removal, meanwhile, is a form of mandatory relief that prevents the removal of an alien to a country where “the alien’s life or freedom would be threatened . . . because of the alien’s race, religion, nationality, membership in a particular social group, or political opinion.” 8 U.S.C. § 1231(b)(3).

Both forms of relief are subject to a statutory “persecutor bar,” which renders an alien ineligible for either asylum or withholding if she has “ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.” Id. §§ 1158(b)(2)(A)(i), 1231(b)(3)(B)(i); see Xu Sheng Gao v. U.S. Att’y Gen., 500 F.3d 93, 97–98 (2d Cir. 2007). This court has identified four factors relevant to determining when this persecutor bar applies: (1) “the alien must have been involved in acts of persecution”; (2) a “nexus must be shown between the persecution and the victim’s race, religion, nationality, membership

in a particular social group, or political opinion”; (3) if the alien “did not [herself] incite, order, or actively carry out” the persecution, her conduct “must have assisted the persecution”; and (4) the alien must have had “sufficient knowledge that . . . her actions may assist in persecution to make those actions culpable.” Balachova v. Mukasey, 547 F.3d 374, 384–85 (2d Cir. 2008) (internal quotation marks omitted). Where evidence indicates that an alien assisted in persecution, the alien seeking relief from removal bears “the burden of proving by a preponderance of the evidence” that she “did not so act.” 8 C.F.R. § 208.13(c); see Zhang Jian Xie v. INS, 434 F.3d 136, 139 (2d Cir. 2006).

Here, the IJ and BIA concluded that Meng had assisted in the persecution of women who became pregnant in violation of China’s family planning policy because, in her role as a public security officer, she had reported such women to Chinese authorities for more than two decades knowing that, as a result, any number of these women would be subjected to forced abortions or sterilizations. Meng does not—and cannot—dispute that forced abortions and involuntarily sterilizations constitute persecution on a protected ground; they are statutorily defined as such. See 8 U.S.C. § 1101(a)(42); Yan Yan Lin v. Holder, 584 F.3d 75, 80 (2d Cir. 2009) (“It is settled law that forced abortion is persecution on account

of political opinion.”). Nor does she dispute that women in her community who became pregnant in violation of family planning policy were subjected to such persecution. Instead, Meng contends that the record evidence was insufficient as a matter of law to admit a finding that she “assisted” in such persecution. She maintains that her actions in registering and reporting unauthorized pregnancies were merely tangential, passive accommodations of the persecutory conduct of Chinese family planning authorities, which Zhang Jian Xie v. INS, 434 F.3d at 143, holds is not enough to constitute assistance in persecution. See also Xu Sheng Gao v. U.S. Att’y Gen., 500 F.3d at 99–100 (holding mere association with persecutory enterprise insufficient to trigger persecutor bar). Indeed, Meng argues that Xu Sheng Gao requires evidence that one of her reports led to a specific forced abortion or involuntary sterilization to admit a finding of assistance. See id. In fact, the cited precedents do not support Meng’s arguments.

In Zhang Jian Xie, at the same time that this court observed that conduct “passive in nature” and “tangential” to third-party acts of oppression is insufficient to manifest “assistance,” we stated that “active” conduct, having “direct consequences for the victims,” can constitute “assistance in persecution.”

434 F.3d at 143. Here, Meng's conduct was clearly active and not passive. She affirmatively identified pregnant women in her community, including those pregnant in violation of China's family planning policy, and she deliberately reported these women to authorities. Nor was she merely associated with a persecutory enterprise. She was integral to the effectuation of persecution. Meng's reporting of policy-violating women was no "minor" action, but the critical step that set in motion the entire persecutory scheme of enforcement. Cf. id. (upholding agency's imposition of persecutor bar even though petitioner's assistance was "arguably minor"). Indeed, without Meng's reports, authorities would not have known which women had violated family planning policy. Moreover, Meng's actions had direct consequences for the victims insofar as her reports were the basis for women being subjected to forced abortions and sterilizations. Meng not only admitted knowing that her conduct had this effect; she testified that it was the reason she sometimes urged the women whom she reported to hide or flee. Nevertheless, with knowledge that her conduct triggered persecution, Meng voluntarily continued to serve for more than two decades as a public security officer and to report women for unauthorized pregnancies. This record was sufficient to admit the agency finding that Meng

assisted in persecution. See In re Suzhen Meng, No. 089 224 906, at 2 (finding that “as a result of [Meng’s] actions, the Family Planning officials went to women’s homes who had illegal pregnancies, seized them, and subjected them to forced abortions and sterilizations”).

Xu Sheng Gao v. U.S. Attorney General compels no different conclusion. In that case, the alien who reported offending booksellers to Chinese authorities knew only that there was a possibility that the booksellers “could” be arrested and imprisoned, but nothing indicated that any bookseller had, in fact, been subjected to such treatment. 500 F.3d at 100 (emphasis in original). Rather, the most serious sanction that petitioner knew ever to have been imposed on a reported bookseller was revocation of a business license. See id. It was in these circumstances—with no evidence of persecution ever resulting from the alien’s conduct—that we were “unable to conclude” that the alien had “the requisite level of knowledge that his acts assisted in persecution to sustain a finding that he was a ‘persecutor’ under the statute.” Id. at 102. By contrast, here, Meng admitted knowing that forced abortions and sterilizations were the typical punishment meted out to women she reported for unauthorized pregnancies. Where, as in this case, the occurrence of the persecution is undisputed, and there

is such evidence of “culpable knowledge that the consequences of one’s actions would assist in acts of persecution,” Xu Sheng Gao specifically states that “the evidence need not [further] show that the alleged persecutor had specific actual knowledge that his actions assisted in a particular act of persecution.” Id. at 103.¹

Yanqin Weng v. Holder also affords Meng no support in challenging the application of the persecutor bar to this case. 562 F.3d at 515. In Yanqin Weng, the petitioning alien, a nurse’s assistant, provided post-surgical medical care to women in China who had undergone forced abortions and, on one occasion, sat outside the locked door of a room where women awaiting forced abortions were being held until delayed doctors arrived to perform the procedures. See id. at 512, 515. In concluding that the persecutor bar did not apply to these circumstances, this court observed that the petitioner’s provision of post-surgical care did not contribute to the abortions. See id. at 515. As for petitioner’s guarding women facing forced abortions, that one-time occurrence was deemed to have “deviated markedly from her routine duties” and lasted only ten minutes

¹ Xu Sheng Gao also concluded that the reporting petitioner did not assist in persecution that reflected the discretionary decision of others at the end of an attenuated chain of authority. See 500 F.3d at 101–02. But where, as here, Meng’s reports regularly resulted in persecution, she knew that, and she nevertheless continued to report, we conclude that the agency has a substantial basis for finding assistance and applying the persecutor bar.

before petitioner, in fact, helped one of the women escape, which resulted in petitioner losing her job. Id. Here, as already noted, Meng's reporting of women pregnant in violation of China's family planning policy did contribute directly to the forced abortion and sterilization of these women. Further, Meng engaged in such reporting over a period of two decades. In short, her assistance in persecution was not a single, marked departure from her duties, but a regular, and important, aspect of her duties. While Meng may have encouraged some women to hide or flee to avoid the persecution that she knew would follow from her conduct, the record indicates that Meng nevertheless persisted in reporting women with unauthorized pregnancies as long as she served as a public security official.

Accordingly, because the record evidence was sufficient to support a finding that Meng assisted in persecution, we identify no legal error in the agency's determination that the persecutor bar rendered Meng ineligible for asylum or withholding of removal.

D. CAT Relief

A petitioner seeking CAT relief must demonstrate that it is "more likely than not" that she will be tortured if removed to her home country. See 8 C.F.R.

§ 208.16(c)(2); Yan Yan Lin v. Holder, 584 F.3d at 82. Here, we identify no error in the agency's denial of CAT relief for failure to satisfy this requirement.

Meng essentially relies on evidence of her past 14-day detention and beatings to argue likely future persecution. We need not here decide if this experience rose to the level of "torture," but see 8 C.F.R. § 1208.18(a)(2) (defining torture as "extreme form of cruel and inhuman treatment"); Kyaw Zwar Tun v. INS, 445 F.3d 554, 567 (2d Cir. 2006) ("[T]orture requires proof of something more severe than the kind of treatment that would suffice to prove persecution."), because even assuming that the issue were resolved in Meng's favor, she would not have demonstrated agency error.

Past torture does not give rise to a presumption of future torture. Rather, it serves as evidence of the possibility of future torture. See 8 C.F.R. § 1208.16(c)(3). Here, the following facts demonstrate why such a possibility cannot be converted into the requisite likelihood: (1) after Meng's release from detention, she remained in China for more than 10 months without experiencing any further harm; (2) Chinese authorities returned her passport, thereby allowing her to travel outside China; and (3) Meng's husband and children remain in China unharmed. See Melgar de Torres v. Reno, 191 F.3d 307, 313 (2d Cir. 1999)

(holding that where family members remain unharmed in petitioner's native country, objective fear of future harm is undermined); see also Mu Xiang Lin v. U.S. Dep't of Justice, 432 F.3d 156, 160 (2d Cir. 2005) (upholding denial of CAT relief where petitioner offered no "particularized evidence" that she would be tortured in her country of removal). We therefore conclude that substantial evidence supports the agency's determination that Meng has not demonstrated that it is "more likely than not" that she will be tortured if returned to China.

III. Conclusion

To summarize, we conclude:

1. The statutory persecutor bar rendered Meng ineligible for asylum and withholding of removal because, for over 20 years, she reported the identities of women with unauthorized pregnancies, knowing that, as a result, many of these women would be subjected to forced abortions and sterilizations. This showing was legally sufficient to demonstrate her assistance in persecution.

2. Meng is not entitled to CAT relief because she has not established that it is more likely than not that she will be tortured if removed to China.

Accordingly, the petition for review is DENIED.

**The Department of Homeland Security's Response to
Senator Al Franken's August 24, 2017 Letter**

1. **Policy Directive 047-02 “applies to the use of CSS technology inside the United States in furtherance of criminal investigations.” According to ICE, CSS devices are used “in support of criminal investigations requiring judicial process, and not for administrative violations under the Immigration and Nationality Act.” ICE has also stated that ICE Enforcement and Removal Operations (ERO) “does not use cell-site simulators for the purpose of civil immigration enforcement.”**
 - a. **In the Department’s use of CSS technology for criminal investigations, does DHS distinguish between the seriousness of criminal offenses in determining whether to deploy CSS technology? If so, how?**

(b)(7)(E)

- b. **The Department’s response to Senator Wyden’s May 23, 2017 letter confirmed that ERO does not use CSS devices for administrative immigration enforcement. Does any other Component within the Department use CSS technology pursuant to non-criminal investigations within the United States.**

(b)(7)(E)

2. **Policy Directive 047-02 states that “[a]ffected DHS Components may issue additional specific guidance consistent with this policy.” Please provide copies of all such**

additional specific guidance, if any, issued by DHS's immigration enforcement Components.

(b)(5)

(b)(5)

3. Policy Directive 047-02 provides that DHS Components shall implement an auditing program to ensure that data collected by CSS technology is deleted following the completion of a mission, upon location of a target, and upon the identification of a target. Are such audits performed by Components that use CSS technology for immigration enforcement? If not, why?

- a. If so, how frequently are such audits performed?
- b. If so, what have such audits revealed about DHS Components' data collection, retention, and disposal practices?

DHS Components do not use CSS for administrative immigration violations.

4. Policy Directive 047-02 provides that "DHS is committed to ensuring that law enforcement practices concerning the collection and retention of data are lawful and respect the important privacy interests of individuals." Furthermore, in response to Senator Wyden's letter, ICE stated that ICE Homeland Security Investigations operates CSS devices "in accordance with rules, policies, and laws that control the collection, retention, dissemination, and disposition of records that contain personally identifiable information."

- a. Aside from Policy Directive 047-02, what "rules, policies, and laws" apply to information collected through the use of CSS technology? In particular, what "rules, policies, and laws" apply to information about noncitizens obtained through the use of CSS technology?

(b)(7)(E)

(b)(7)(E)

- b. **Section 14 of President Trump’s Executive Order, entitled *Enhancing Public Safety in the Interior of the United States*, seeks to remove Privacy Act protections from immigrants who are not U.S. citizens or permanent residents. What effect does Section 14 of the President’s January 25, 2017 Executive Order have on the Department’s data collection and disposal policies, including but not limited to those laid out in Policy Directive 047-20?**

Section 14 of President Trump’s Executive Order, *Enhancing Public Safety in the Interior of the United States*, will not change how DHS and, specifically, ICE, collects or disposes of data obtained through cell-site simulators.

5. **Policy Directive 047-02 provides that an application or supporting affidavit should inform the court that the target cell phone and other cell phones in the area of the CSS device might experience a temporary disruption of service from the service provider. In response to Senator Wyden’s letter, ICE stated that**

(b)(7)(E)

- a. **Have DHS employees (rather than manufacturers or third parties) tested the CSS technology the Department uses to measure the interference caused to nearby phones? If so, please provide a copy of all testing reports or other documentation related to device and network interference caused by CSS technology.**

¹ See DHS/ICE – External Investigations System of Records Notice, (75 FR 404, Jan. 5, 2010), available at: <https://www.gpo.gov/fdsys/pkg/FR-2010-01-05/html/E9-31269.htm>.

² https://www.dhs.gov/sites/default/files/publications/PPGM%202017-01%20Signed_0.pdf.

(b)(7)(E)

6. Does DHS maintain a record of which components possess CSS technology; how many CSS devices each component has; the makes and models of CSS devices used by each component; and when, where, and for how long the devices are used for immigration enforcement? If so, please provide a copy of such records.

(b)(7)(E)

7. Does DHS maintain a record of how many individuals have been located, tracked, and/or monitored by federal immigration enforcement officers using CSS technology? If so, please provide a copy of such records and state how many of the individuals located, tracked, and/or monitored by federal immigration enforcement officers using CSS technology have been arrested for a crime, convicted of a crime, and convicted of a violent crime.

(b)(5)

8. Does DHS deploy CSS technology for immigration enforcement purposes along the nation's borders? If so, please provide a list of the cities and states in which DHS has deployed CSS technology for immigration enforcement purposes.

No.

- 9. Does DHS deploy CSS technology during interior immigration enforcement? If so, please provide a list of the cities and states in which DHS has deployed CSS technology for immigration enforcement purposes.**

No.

The Honorable Al Franken
United States Senate
Washington, DC 20510

Dear Senator Franken:

Thank you for your August 24, 2017 letter. Acting Secretary Duke asked that I respond on her behalf.

For specific responses to each of your questions, please refer to the enclosure. To address your specific concern related to U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) utilizing cell-site simulators, I can confirm that ICE/ERO does not use cell-site simulators for the purpose of civil immigration law enforcement. While ICE/ERO's primary mission is to enforce the Nation's civil immigration laws, individual ERO officers may participate in Joint Task Forces with federal, state, and local law enforcement partners, in furtherance of our shared public safety mission. Such a Joint Task Force may employ various technologies, including cell-site simulator technology, to pursue individuals suspected of engaging in criminal activity. However, such use must be conducted in a manner that protects rights afforded by the U.S. Constitution, and in compliance with applicable statutory authorities.

While cell-site simulators are used by several Components of the U.S. Department of Homeland Security (DHS), no Component is using this technology for the purpose of civil immigration enforcement. ICE Homeland Security Investigations (HSI) uses cell-site simulators in support of criminal investigations requiring judicial process, and not for administrative violations under the Immigration and Nationality Act. ICE/HSI's use of cell-site simulator technology in the context of criminal investigations may result in undocumented immigrants being arrested when they are the targets of said criminal investigations.

U.S. Customs and Border Protection (CBP) currently makes limited use of cell-site simulators. CBP's Office of Professional Responsibility (OPR) has used this technology in support of ongoing criminal investigations related to employee integrity and workforce security.

The United States Secret Service (USSS) also uses cell-site simulators to locate hard to find special interest subjects by locating targeted mobile devices. In appropriate cases, USSS uses this technology to assist Federal and state, local, tribal, and territorial criminal investigations by locating targeted mobile devices associated with suspects wanted for very serious felonies and violent crimes.

The DHS Components that use cell-site simulators do so in a manner that is consistent with DHS Policy Directive 047-02, *Department Policy Regarding the Use of Cell-Site Simulator Technology*, dated October 19, 2015, which closely aligns with the U.S. Department of Justice's policy guidance regarding the use of cell-site simulator technology. Under current policy, operators must obtain a search warrant supported by probable cause and issued pursuant to Rule 41 of the Federal Rules of Criminal Procedure (or applicable state equivalent).

(b)(7)(E)

(b)(7)(E)

DHS remains committed to ensuring law enforcement practices concerning the collection or retention of data are lawful and respect the important privacy interests of individuals.

Thank you again for your letter and interest in this important matter. The co-signers of your letter will receive separate, identical responses.

Sincerely,

James D. Nealon
Assistant Secretary for International Affairs
Office of Strategy, Policy, and Plans

Enclosure



Office of the Director

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



**U.S. Immigration
and Customs
Enforcement**

(b)(5); (b)(7)(E)

(b)(5); (b)(7)(E)

www.ice.gov

(b)(5); (b)(7)(E)

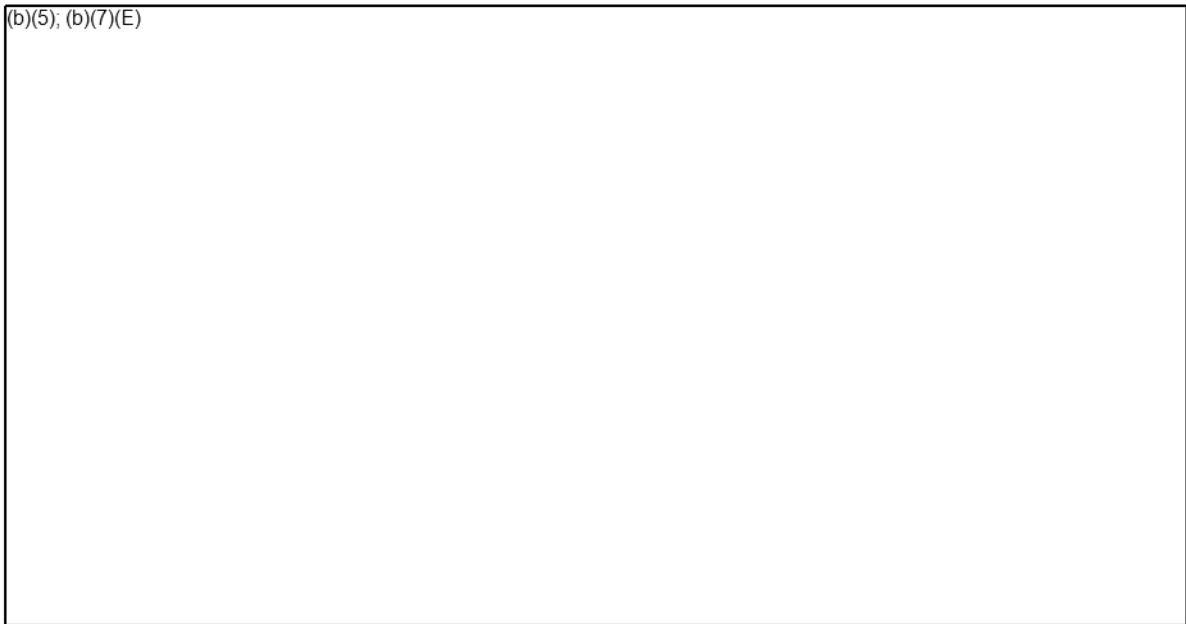
Respectfully,

Thomas D. Homan
Acting Director

**The Department of Homeland Security's Response to
Senator Al Franken's August 24, 2017 Letter**

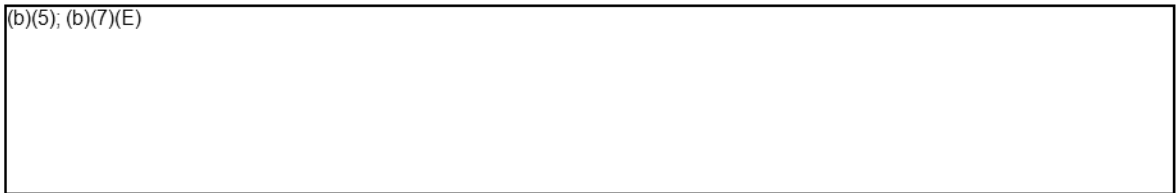
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 - a. **In the Department’s use of CSS technology for criminal investigations, does DHS distinguish between the seriousness of criminal offenses in determining whether to deploy CSS technology? If so, how?**

(b)(5); (b)(7)(E)



- b. **The Department’s response to Senator Wyden’s May 23, 2017 letter confirmed that ERO does not use CSS devices for administrative immigration enforcement. Does any other Component within the Department use CSS technology pursuant to non-criminal investigations within the United States.**

(b)(5); (b)(7)(E)



2. **Policy Directive 047-02 states that “[a]ffected DHS Components may issue additional specific guidance consistent with this policy.” Please provide copies of all such**

(b)(5); (b)(7)(F)

(b)(5); (b)(7)(E)

3. Policy Directive 047-02 provides that DHS Components shall implement an auditing program to ensure that data collected by CSS technology is deleted following the completion of a mission, upon location of a target, and upon the identification of a target. Are such audits performed by Components that use CSS technology for immigration enforcement? If not, why?

- a. If so, how frequently are such audits performed?
- b. If so, what have such audits revealed about DHS Components' data collection, retention, and disposal practices?

DHS Components do not use CSS for administrative immigration violations.

4. Policy Directive 047-02 provides that "DHS is committed to ensuring that law enforcement practices concerning the collection and retention of data are lawful and respect the important privacy interests of individuals." Furthermore, in response to Senator Wyden's letter, ICE stated that ICE Homeland Security Investigations operates CSS devices "in accordance with rules, policies, and laws that control the collection, retention, dissemination, and disposition of records that contain personally identifiable information."

- a. Aside from Policy Directive 047-02, what "rules, policies, and laws" apply to information collected through the use of CSS technology? In particular, what "rules, policies, and laws" apply to information about noncitizens obtained through the use of CSS technology?

(b)(5); (b)(7)(E)

(b)(5); (b)(7)(E)

- b. Section 14 of President Trump’s Executive Order, entitled *Enhancing Public Safety in the Interior of the United States*, seeks to remove Privacy Act protections from immigrants who are not U.S. citizens or permanent residents. What effect does Section 14 of the President’s January 25, 2017 Executive Order have on the Department’s data collection and disposal policies, including but not limited to those laid out in Policy Directive 047-20?**

Section 14 of President Trump’s Executive Order, *Enhancing Public Safety in the Interior of the United States*, will not change how DHS and, specifically, ICE, collects or disposes of data obtained through cell-site simulators.

- 5. Policy Directive 047-02 provides that an application or supporting affidavit should inform the court that the target cell phone and other cell phones in the area of the CSS device might experience a temporary disruption of service from the service provider. In response to Senator Wyden’s letter, ICE stated that**

(b)(7)(E)

- a. Have DHS employees (rather than manufacturers or third parties) tested the CSS technology the Department uses to measure the interference caused to nearby phones? If so, please provide a copy of all testing reports or other documentation related to device and network interference caused by CSS technology.**

¹ See DHS/ICE – External Investigations System of Records Notice, (75 FR 404, Jan. 5, 2010), available at: <https://www.gpo.gov/fdsys/pkg/FR-2010-01-05/html/E9-31269.htm>.

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(b)(5); (b)(7)(E)

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(b)(5); (b)(7)(E)

7. Does DHS maintain a record of how many individuals have been located, tracked, and/or monitored by federal immigration enforcement officers using CSS technology? If so, please provide a copy of such records and state how many of the individuals located, tracked, and/or monitored by federal immigration enforcement officers using CSS technology have been arrested for a crime, convicted of a crime, and convicted of a violent crime.

DHS does not use CSS for administrative immigration violations.

(b)(5)

- 9. Does DHS deploy CSS technology during interior immigration enforcement? If so, please provide a list of the cities and states in which DHS has deployed CSS technology for immigration enforcement purposes.**

No.

From:

(b)(6); (b)(7)(C)

Sent:

15 Aug 2016 13:12:17 -0400

To:

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Cc:

(b)(6); (b)(7)(C)

Subject:

Border Search Issues

Attachments:

Border search electronic devices checklist (FINAL 1 21 15) (2).docx, Border Searches of Electronic Devices Hypothetical Questions Answers (FINAL 1 21 15).docx, Cybersmuggling Investigations (Updated as of 8.15.16).pptx, Border Search suppression motions, RE: (b)(6); (b)(7)(C) defense motions re search warrants

Border Search Team (copying everyone for awareness though),

(b)(5); (b)(7)(E)

(b)(5); (b)(7)(E)

Please let me (b)(5) know if you have any questions.

Thanks.

(b)(6); (b)(7)(C)

U.S. Immigration and Customs Enforcement
Office of the Principal Legal Advisor
2015 Reference Sheet for Border Searches of Electronic Devices

(b)(5); (b)(7)(E)

U.S. Immigration and Customs Enforcement
Office of the Principal Legal Advisor
2015 Reference Sheet for Border Searches of Electronic Devices

(b)(5); (b)(7)(E)

U.S. Immigration and Customs Enforcement
Office of the Principal Legal Advisor
2015 Reference Sheet for Border Searches of Electronic Devices

(b)(7)(E); (b)(5)

U.S. Immigration and Customs Enforcement
Office of the Principal Legal Advisor
2015 Reference Sheet for Border Searches of Electronic Devices

(b)(5); (b)(7)(E)

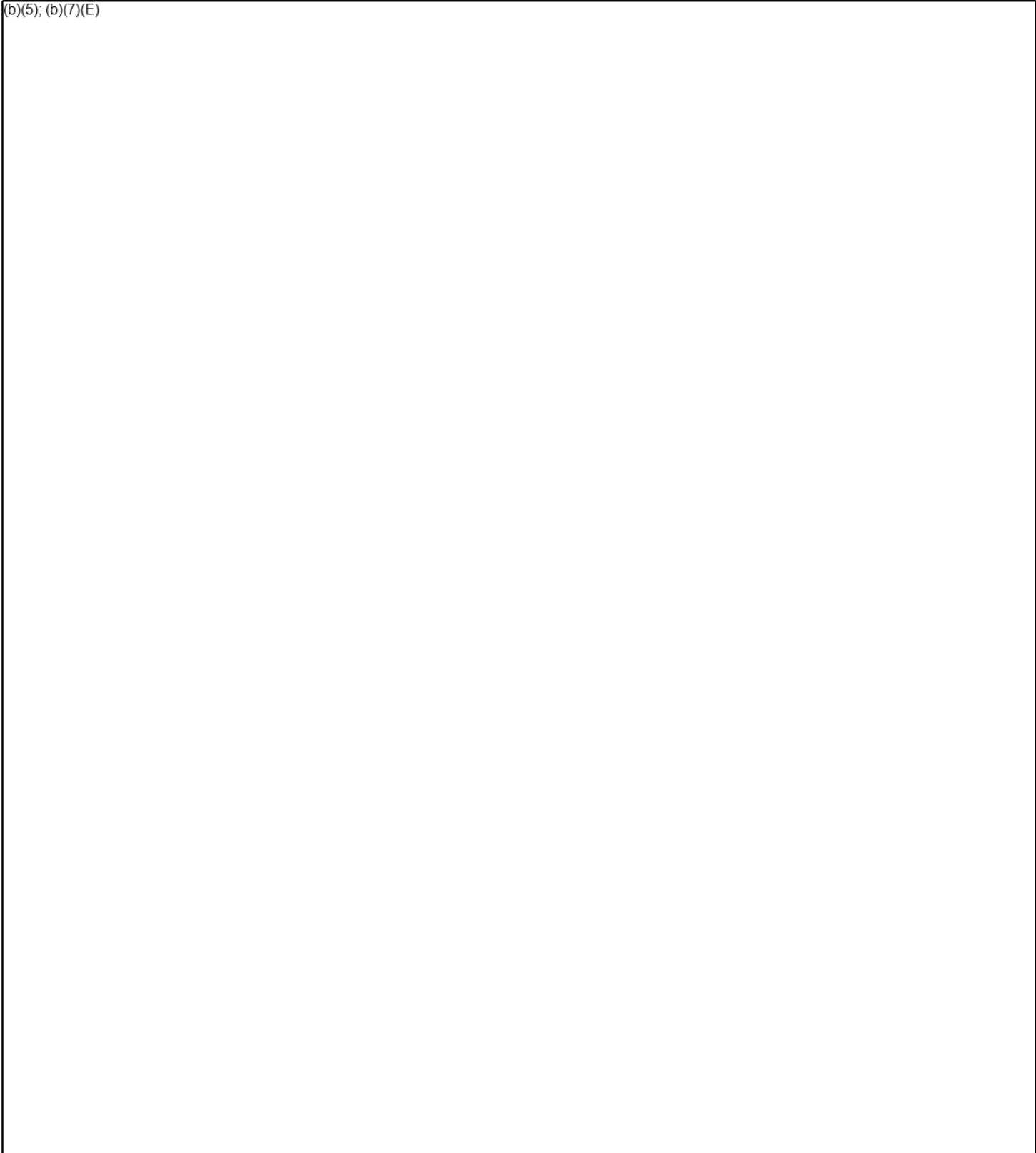
Border Searches of Electronic Devices Hypothetical Questions & Answers

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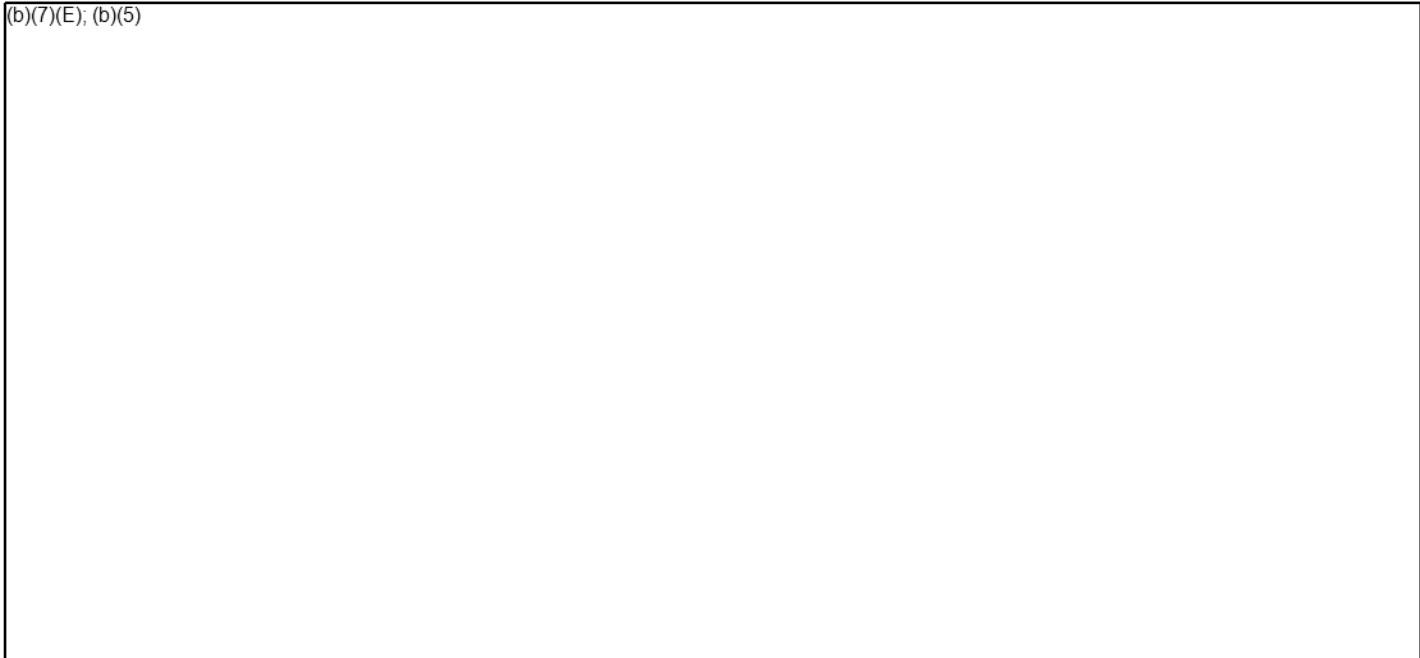
(b)(7)(E); (b)(5)

(b)(5); (b)(7)(E)



FOR INTERNAL ICE DISCUSSION PURPOSES ONLY
NOT FOR FURTHER DISSEMINATION

(b)(7)(E); (b)(5)



~~Law Enforcement Sensitive/For Official Use Only~~
~~Attorney-Client Work Product/Attorney-Client Privileged~~

ICE



Cybersmuggling Investigations

XXXXXX Office of the Principal Legal Advisor April
2016



U.S. Immigration
and Customs
Enforcement

Overview

- OPLACLSHSI Embed Program
ICE Cyber Authorities
Fourth Amendment Search and Seizure
Fifth Amendment and Electronic Devices
Statutory Authority and Limitations



Overview: OPLA

- ICE Office of the Principal Legal Advisor
Headquarters Overview of Divisions Homeland
Security Investigations Law Division Criminal
Law Section
Offices of the Chief Counsel HSI Embedded
Attorney



Overview: HSI

- 19 U.S.C. 1401(i) Definition of Customs Officers
19 U.S.C. 1589a Enforcement Authority of Customs Officers
Criminal Investigation Series, 1811



19 U.S.C. 1589a

An officer of the customs may(1) carry a firearm; (2) execute and serve any order, warrant, subpoena, summons, or other process issued under the authority of the United States;(3) make an arrest without a warrant:for any offense against the U.S. committed in the officer's presencefor a felony, cognizable under the laws of the U.S. committed outside the officer's presence if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing a felony(4) perform any other law enforcement duty that the Secretary of the Treasury may designate.



HSI Investigations

- Money Laundering / Bulk Cash Smuggling
Narcotics Smuggling / Trafficking
Commercial Trade and Fraud
Human Smuggling / Trafficking
Export Enforcement
Intellectual Property Rights (IPR)
Trade Secrets Theft
Child Sexual Exploitation / Child Sex Tourism
Identity Document / Benefit Fraud
Worksite Enforcement / Critical Infrastructure Protection



Authority v. Jurisdiction

- Authorities are granted by statute, Executive Order, etc. Usually to Department and then delegated Federal law enforcement agents with general arrest authority
Jurisdictional agreements “Beltway” lines to avoid jurisdictional disagreements
Courts recognize jurisdiction \neq authority



Cyber Authorities

- General Authority Computer Fraud and Abuse Act HERO Act of 2015



Trade Secrets Theft

- 18 U.S.C. § 1831 “Economic espionage” statute, criminalizes the knowing theft of a trade secret for the benefit of any foreign government, foreign instrumentality, or foreign agent
- 18 U.S.C § 1832 “Trade secrets theft” statute, criminalizes the same conduct; however, the beneficiary of the theft is anyone other than the owner of the trade secret



Virtual Currency & Cybersmuggling

- Bank Secrecy Act limitations
MSBs State v. Federal
Seizure & Forfeiture June 2016
Memorandum of Understanding HSI
POCs: CCU & AFU & IFPCU



Fourth Amendment and How it Protects

- The right of the people to be secure in their persons, houses, papers, and effects, against **unreasonable searches and seizures**, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.



Fourth Amendment: Exclusionary Rule

- Evidence gathered in violation of the Fourth Amendment *may* be excluded from evidence in a criminal trial to deter future police misconduct.



Fourth Amendment Exclusionary Rule: Exception

- Good faith reliance on search warrant issued by neutral and detached magistrate, even if lacking in probable cause or otherwise defective, will not be excluded.



Searches

- Government participation Intrusion (physical, visual, auditory) Reasonable Expectation of Privacy (“REP”) Subjective expectation of privacy Objectively reasonable



- Open fields
Open view
Overheard conversations
Abandoned Property
- Trash
Odors
Items previously and lawfully searched
Movement of vehicles and containers in public



U.S. v. Jones

- Warrantless Installation of GPS Tracker
Intent to obtain information + Trespass
Short duration monitoring permissible
48-hour rule (DOJ policy)
Inapplicable situations
Exceptions to warrant requirement
Commercial vehicles, aircraft, vessels
Border searches
Per se reasonable
Extended border search
Extraterritorial application

