

# Exhibit B



**FEDERAL BUREAU OF INVESTIGATION  
FINANCE DIVISION | PROCUREMENT  
SECTION**



**LIMITED SOURCE JUSTIFICATION**

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION IN ACCORDANCE WITH  
*41 USC 3304 (A)(1)*

**Requisition Number: DJF-17-1300-PR-0000555**

**Date:** 11/8/2016

**Estimated Contract Dollar Value:** \$TBD

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

The U.S. Department of Justice, Federal Bureau of Investigation, Counterterrorism Division (CTD), Exploitation Threat Section, has prepared this justification for other than full and open competition for access to mission critical social media data streams exclusively provided by Dataminr, a small business specializing in extracting information from the Twitter data stream in a near real time environment. The contract will be awarded for one base year, with two options and will be administered by the FBI, Information Technology Acquisition Unit (ITAU).

**2. The nature and/or description of the action being approved, i.e., sole source, limited competition, establishment of a new source, etc.**

The CTD requires approximately 200 social media monitoring licenses to obtain real time access to breaking news and events. Licenses will be obtained through a sole source acquisition and will provide the FBI with a customizable Indicators and Warnings (I&W) functionality as described below.

**3. A description of the supplies or services required to meet the agency's needs.**

The FBI has a need to obtain information about relevant breaking news and events in real-time. Twitter is a platform where news first breaks on terrorist attacks, military actions, epidemiological events, and natural disasters, among other topics. The sum of all tweets generated by users globally - roughly 500,000,000+ per day and growing- is commonly referred to as the Twitter "firehose". The FBI needs access to the full firehose, along with the ability to search it, in real time, via customizable filters that track FBI investigative priorities. Dataminr's Indicators and Warnings service is uniquely suited to this task in that it provides access to directly access the full firehose and it will permit the FBI to design and apply filters that are specifically tailored to operational needs. In addition, while Dataminr will allow the FBI to tailor its own filters to reflect changes in

investigative priorities, it also offers a reach back capability in the event the FBI needs help creating a particular filter or has other technical issues.

#### **4. The statutory authority permitting other than full and open competition.**

The statutory authority permitting other than full and open competition is 41 U.S.C.3304(a)(1) as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302-1 entitled, "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements."

#### **5. Demonstrate the unique qualifications of the proposed contractor or the nature of the action requiring the use of the authority.**

The FBI's market research indicates that Dataminr is uniquely situated to provide the service the FBI needs – namely a customizable detection and alerting functionality on breaking news and events across all publicly posted Tweets. As an initial matter, Dataminr is the only certified Official Twitter Data Partner with direct proprietary access to the full "Twitter firehose" which allows it to provide near real-time alerts of breaking news and events. As part of its market research, the FBI reached out to Twitter, and Twitter confirmed that only Dataminr offers this level of access. In addition, Dataminr is the only service of which the FBI is aware that allows the customer agency to customize its own filters to reflect rapidly changing circumstances and apply them to the full Twitter firehose to search the entire universe of Tweets in real-time. Finally, Dataminr's ability to provide a reach-back capability to assist the FBI in crafting searches and addressing other technical issues is also key.

Other companies in the market place can provide data analytics of the Twitter feed. However, those companies can only purchase pre-filtered sub-portions of the "firehose." Unlike Dataminr, they do not have real-time access to the full firehose, nor do they allow customers to customize filters in-house based on changing circumstances. For this reason, data analytics software, which has alerting functionality powered by data derived via the Twitter Public API, is not a viable option. The Twitter public API provides access to roughly 1% of the Twitter firehose, and therefore is not comparable to Dataminr. Dataminr has unique access to the Twitter firehose API and is the only company that provides government agencies a I&W solution that is powered by the firehose API.<sup>1</sup> Through its access to the firehose API, Dataminr receives every public tweet in real-time. With this unique access, Dataminr can process and conduct algorithmic analysis on every public Tweet, and Dataminr can also store these Tweets for historical reference. Firehose API access enables Dataminr to provide a comprehensive I&W solution like that needed by the FBI.

As another example, GNIP, a subsidiary of Twitter, currently has access to Twitter firehose data. It traditionally sells only to third party vendors who are designated as Twitter partners and provides each partner access only to selected subsets of Tweets pursuant to its agreement with that partner. In order to access the GNIP-provided data, an agency would have to contract with a Twitter partner. However, these partners cannot offer access to the full firehose – as they are

<sup>1</sup> The firehose API is distinct from the public API in that it provides far greater access to the full universe of Tweets. The FBI's market research indicates that only GNIP and Dataminr have access to the firehose API, and GNIP does not sell firehose access directly to government agencies, as discussed below.

limited by their agreements with GNIP. In addition, it does not appear that any of them provide in-house, customizable filters, but even if they did, it is the combination of full firehose access and customizable filters that renders Dataminr unique. Accordingly, data analytics software, that offers alerting functionality powered by data derived via GNIP queries, is not a viable option for meeting the FBI's operational requirements.

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

The FBI has conducted significant market research (described in more detail below) and worked with other government agencies that have recently procured similar services in order to identify other companies that might have the ability to provide the services currently available through Dataminr. Specifically, the FBI spoke with GNIP's marketing department to better understand its business model and visited the websites of numerous Twitter partners in order to determine whether the services they offered were equivalent to those offered by Dataminr. After careful consideration, the FBI determined that none were. Twitter has restricted the access to the data stream created by Twitter as part of its business model. Consequently, there are no companies that provide government agencies access to the Twitter data stream in near real-time other than Dataminr. Justification will be posted to Government Point of Entry (GPE) for public viewing in accordance with FAR 5.2.

- 7. The anticipated dollar value of the proposed acquisition, including options if applicable, and a determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable.**

A one-year contract will be awarded to Dataminr and no option years are contemplated at this time. The Contracting Officer, based upon market research, etc. will determine that the proposed price is fair and reasonable.

- 8. A description of the market research conducted and the results.**

In conducting its market research, the FBI determined that there are three basic business models companies use to provide access to Twitter feed. First, a company can enter into an agreement with Twitter to get access to specified data based on the marketing and business model of the company requesting the information. Sensible.com, Agorapulse.com, Synthesio.com, Nuvi.com, Brandwatch.com, and many others, all have the same basic approach to the Twitter stream. For a price these companies will monitor specified data feed for information related to each of its individual customers so they can see how their company is trending within the Twitter data, both historically and near real time.

A secondary business model utilizes the near real-time data stream to provide an alerting function for media and business intelligence. One company in particular, GNIP, will contract with private corporations to establish a filtration system which will provide specific Tweets meeting the client's needs. For example, news outlets want to know as soon as possible any information on Twitter related to social events, disasters, or crimes which have recently

occurred. Using the Twitter feed in this manner allows these clients to contact the Twitter account holder in order to verify information in a near real time environment in order to provide the information to the general public who have an appetite for instant news/information. These clients establish parameters with the host company and are charged a per-unit cost for a Tweet meeting the filtration specification. Historical data can be bought at a bulk rate or any combination of the two.

A third business model uses open source vacuuming of Twitter. MVNrepository.com and Github.com both indicate that they absorb the Twitter data stream and hold it in a searchable database. Open source research indicates both companies are only able to get a representative amount of data posted on a day to day basis (not access the full Twitter “firehose”).

Each of the above-referenced business models provides only limited access to the full universe of Tweets on a daily basis. Moreover, none of them appears to allow customers to customize filters in-house in order to adapt the information received to changing circumstances. Dataminr is the only company authorized by Twitter to provide customers direct access to the full, raw data stream of near real time Tweets.

Based on this detailed analysis of companies providing monitoring services of the Twitter feed, the FBI has determined that Dataminr is the only company in the market that is able to provide the mission critical social media monitoring needed by the FBI.

**9. Any other facts supporting the use of other than full and open competition.**

FBI research identified two, recent sole source contracts to Dataminr: One with the Department of Homeland Security (DHS), Transportation Safety Administration (TSA), and the second with the Department of Defense. Both agencies concluded that Dataminr was the only service that could satisfy their Indicator & Warning requirements because of the unique relationship between Twitter and Dataminr as well as Dataminr’s ability to provide near real-time access to the full Twitter firehose.<sup>2</sup>

**10. A listing of any sources that expressed a written interest in the acquisition.**

None

**11. A statement of any actions the agency may take to remove or overcome any barriers to competition, if subsequent acquisitions are anticipated.**

The FBI is entering into a one-year contract with Dataminr for social media monitoring for I&W. The contract will not include options. Given that technology is constantly evolving, the FBI will continue to conduct Market Research in this commercial space over the next year, and work with

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<sup>2</sup> DHS competed its requirement among Dataminr resellers. The FBI was informed that Dataminr does not usually sell through resellers and that special permission for reseller involvement was obtained by Dataminr from Twitter for purposes of DHS’ specific contract vehicle.

other government agencies who have similar needs, to ascertain whether competition is viable in the future.