

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/18/2007

To: Operational Technology

Attn: SC
UC

[Redacted]

From: Operational Technology Division

[Redacted]

Contact: UC

[Redacted]

Approved By: AD Thomas Marcus C

SC [Redacted]
UC [Redacted]

AGC [Redacted]

b3
b6
b7C
b7E

Drafted By:

[Redacted]

Case ID #: 268-HQ-1068430 (Pending)

Title:

[Redacted]

DELEGATION OF AUTHORITY

Synopsis: To document the delegation of authority to approve the

[Redacted]

Details: By way of background, on January 18, 1995, Attorney General Order 1945-95 delegated to the Director of the FBI authority to

[Redacted]

The relevant policy is restated herein.

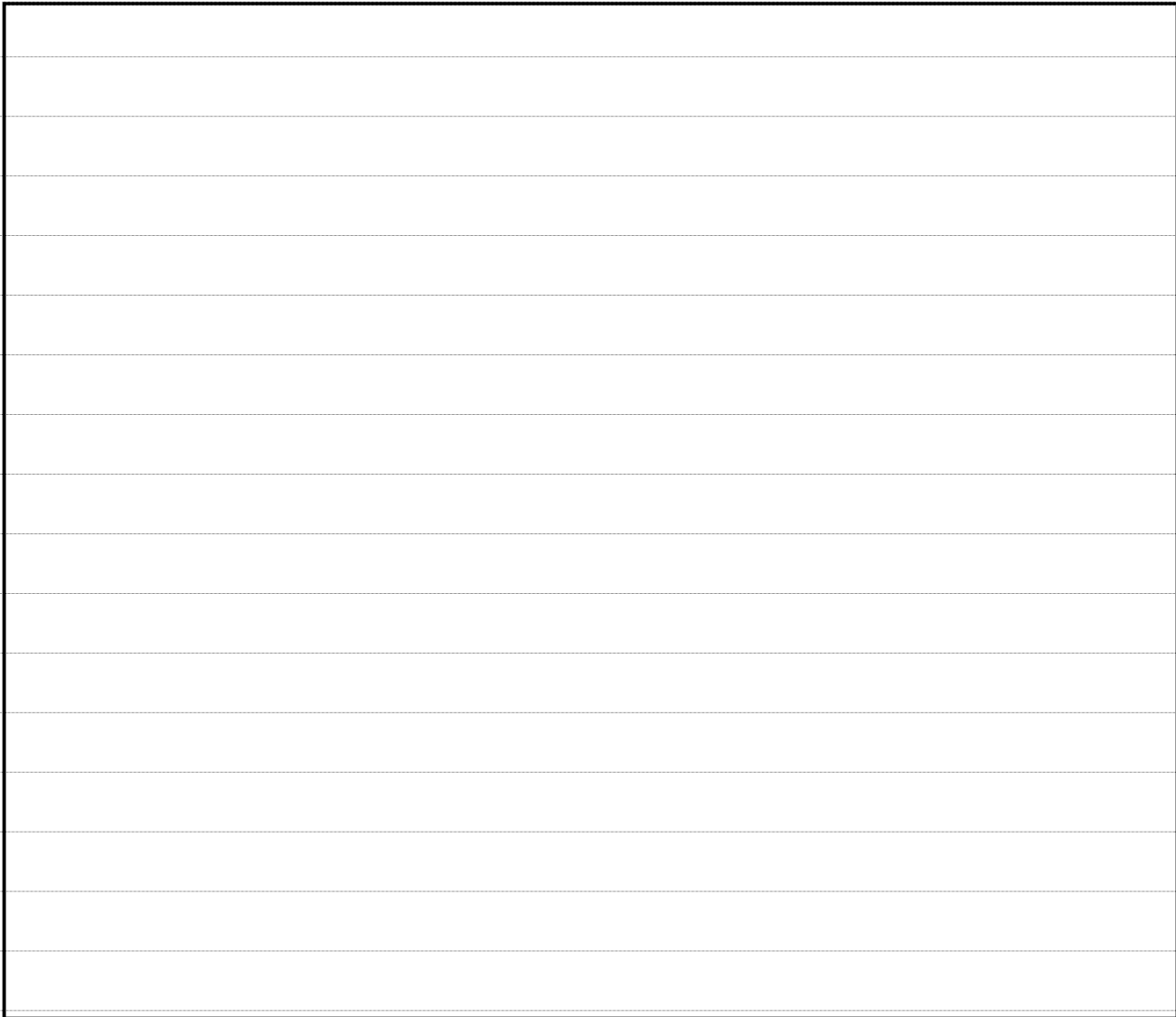
b3
b7E

In an effort to streamline both routine and after hours approval of exigent [Redacted] lend further clarity to authority levels, and enhance documentation for [Redacted] endeavors in [Redacted] the required FBIHQ approval has been delegated from SC, [Redacted] to the UC, [Redacted] with responsibility for the [Redacted]. The UC for [Redacted] will insure that all [Redacted] authorized court orders [Redacted] only FBI trained [Redacted] a federal nexus as well as an official FBI case is opened in either a [Redacted] status prior to approval. The requesting division will be responsible for

To: Operational Technology From: Operational Technology
Re: 268-HQ-1068430, 06/18/2007

documenting the request to OTD in an EC. The OTD will document its decision as well as any resulting action in an EC. In accordance with the above, the [redacted] Chief will be responsible for adhering to and applying the below MIOG provisions as well as the legal authorities as identified below in reviewing and approving [redacted]

[redacted] Any request which requires a deviation from the MIOG provisions or legal authorities as identified below must be referred to the [redacted] SC for approval. No change is being requested to the policy for the [redacted] where only equipment is being [redacted]



b3
b7E

To: Operational Technology From: Operational Technology
Re: 268-HQ-1068430, 06/18/2007

LEAD(s):

Set Lead 1: (Action)

OPERATIONAL TECHNOLOGY

AT QUANTICO, VIRGINIA

Review and if appropriate approve delegation of authority
from OTD, [redacted] Section Chief level to Unit Chief, Program
Manager [redacted]

b3
b7E

◆◆

[Redacted]

From: [Redacted]
Sent: Friday, September 28, 2007 9:26 AM
To: [Redacted]
Cc: [Redacted]
Subject: FW: [Redacted] info

UNCLASSIFIED
NON-RECORD

[Redacted]

FYI. I didn't see your name in the email below that was forwarded by [Redacted]

[Redacted] are you familiar with this? I'm happy to talk with the AUSA who is handling this matter if it would be helpful.

The same email was forwarded by another [Redacted] and here's how I replied



[Redacted]

b3
b5
b6
b7C
b7E

PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI WITHOUT PRIOR OGC APPROVAL

[Redacted]

Assistant General Counsel
Science & Technology Law Unit
Engineering Research Facility
Bldg. 27958A Room [Redacted]
Quantico, Va. 22135

Tel: [Redacted]
Fax: [Redacted]
Cell: [Redacted]

SCIENCE & TECHNOLOGY LAW UNIT - OFFICE OF THE GENERAL COUNSEL

-----Original Message-----

From: [Redacted]
Sent: Thursday, September 27, 2007 6:26 PM
To: [Redacted]
Subject: FW: [Redacted] info

UNCLASSIFIED
NON-RECORD

b3
b5
b6
b7C
b7E

Hey [Redacted]

Are you aware of this email from some AUSA [Redacted]

[Redacted]

I know that it's just [Redacted]

-----Original Message-----

From: [redacted]
Sent: Thursday, September 27, 2007 5:08 AM
To: [redacted]
Cc: [redacted]
Subject: FW: [redacted] info

b3
b5
b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

Hi guys,

After reading the below e-mail I have the following question:

[redacted]

I recently read an article where a guy was charged criminally for tracking his ex-girlfriend with a cell phone he slapped on her vehicle. Honestly, I'm not sure what violation was used to charge this guy.

[redacted]

-----Original Message-----

From: [redacted]
Sent: Wednesday, September 26, 2007 3:33 PM
To: [redacted]
Subject: FW: [redacted] info

UNCLASSIFIED
NON-RECORD

fyi

-----Original Message-----

From: [redacted]
Sent: Tuesday, September 25, 2007 4:46 AM
To: [redacted]
Cc: [redacted]

Subject: RE: [redacted] info

UNCLASSIFIED
NON-RECORD

[redacted] a great many thanks, [redacted]

b3
b6
b7C
b7E

-----Original Message-----

From: [redacted]
Sent: Friday, September 21, 2007 10:55 AM
To: [redacted]
Subject: [redacted] info

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-04-2012 BY 65179 DMH/MJS



Department of Justice

Executive Secretariat

FAX Transmittal Cover Sheet

DATE 4 April 08

Number of Pages Transmitted: 3
(Including cover sheet)

To:

Agency/Location: Justice

FAX Number:

Voice Number: _____

FROM

b3
b6
b7C
b7E

Department of Justice
Executive Secretariat
Room 4400, Main Justice
FAX Number (202) 514-4507
Voice Number (202) 514-2063

Comments: 5/15/01

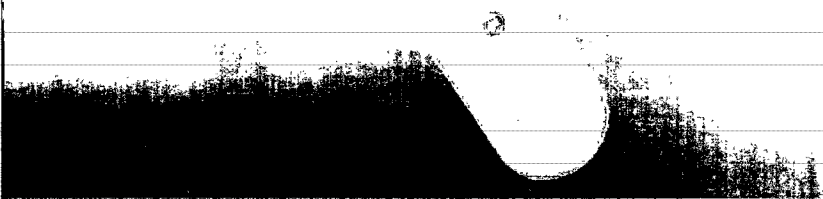
Should you require additional information
please contact me



b3
b7E

Cellular Tracking Legal Issues

October 18, 2006



CELL/OTD 006446

[Redacted]

From: [Redacted]
Sent: Sunday, October 22, 2006 1:55 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: [Redacted]

UNCLASSIFIED
NON-RECORD

[Redacted] I have been working closely with OTD and the [Redacted] members on this and [Redacted]
[Redacted] Improvements have been made in the approval process to support the [Redacted]
[Redacted] I'm not sure of OTD's statistical accomplishments, but [Redacted] accomplishments are included
below. Most notable (outside of arrest stats) are the number of victims recovered. As you are well aware, these cases
move fast.



[Redacted]

I've closely coordinated with OTD [Redacted] UC [Redacted] on this issue numerous times. SAC approval has been the
standard recently as long as [Redacted]
personnel and the [Redacted]

b3
b6
b7C
b7E

Additionally, I've previously been advised by ASC [Redacted] (OTD) that [Redacted]
[Redacted] can be approved by SACs as long as [Redacted]
[Redacted]

I advised [Redacted] of the same last week. Our MIOG is outdated with respect to this policy and process.

All OTD [Redacted] and [Redacted] members are trained in legal process and follow the laws when [Redacted]
[Redacted]

Some info from previous emails provided below.

Out on inspection but will be back by end week (hopefully).

Thanks, [Redacted]

BEGINNING OF CUT AND PASTE

UNCLASSIFIED
NON-RECORD

[Redacted]

Could we get a copy of all the paperwork that went into this to use as a pony. When crunch time happens here I don't
want to have to reinvent the wheel. I know [Redacted] can do all of this in his head, but I'm not that smart.

[Redacted]
[Redacted]
in the [Redacted]

-----Original Message-----

From: [Redacted]
Sent: Monday, October 02, 2006 4:24 PM

To:
Cc:

[Redacted]

Subject: RE: Approval for [Redacted]

b3
b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

[Redacted] I've cc'd all [Redacted] SSAs and SA s. Names should show in the header. Thanks, [Redacted]

-----Original Message-----

From: [Redacted]
Sent: Monday, October 02, 2006 3:57 PM
To: [Redacted]
Subject: RE: Approval for [Redacted]

UNCLASSIFIED
NON-RECORD

Also, I am going to send all [Redacted] personnel an email asking them to FORMALLY brief their SAC's and SSA's on [Redacted] This way your EC and a personal brief should address any future requirements and it will be fresh in the minds of the managers.. Please send me all the names and offices of the [Redacted] personnel for inclusion. I will ask that in the offices where we have both capabilities that they do the brief together.

[Redacted]

*Unit Chief
Tracking Technology Unit
Operational Technology Division*

[Redacted]

-----Original Message-----

From: [Redacted]
Sent: Monday, October 02, 2006 3:46 PM
To: [Redacted]
Subject: RE: Approval for [Redacted]

b3
b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

Thanks [Redacted]

-----Original Message-----

From: [Redacted]
Sent: Monday, October 02, 2006 3:43 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Approval for [Redacted]

UNCLASSIFIED
NON-RECORD

No problem on approval of the [Redacted] from [Redacted] Additionally, We can [Redacted] service to the [Redacted] and the [Redacted]. If this goes

into a [redacted] please notify myself [redacted] and we will send in reinforcements for our [redacted]

SSA [redacted]
Unit Chief
Tracking Technology Unit
Operational Technology Division
[redacted]

-----Original Message-----

From: [redacted]
Sent: Monday, October 02, 2006 3:37 PM
To: [redacted]
Cc: [redacted]
Subject: FW: Approval for [redacted]

b3
b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

[redacted]

Please see below regarding the [redacted] I just spoke with [redacted] and [redacted] and they indicated that you have authority to grant the approval. Thanks for your help.

[redacted]

SA [redacted]
[redacted]

-----Original Message-----

From: [redacted]
Sent: Monday, October 02, 2006 10:49 AM
To: [redacted]
Cc: [redacted]
Subject: Approval for [redacted]

b3
b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

[redacted]

I've been asked to confirm the verbal authority which you provided last Friday for [redacted] We are assisting them under a 62D case regarding [redacted] and have been running a [redacted] We have seen a lot of activity [redacted] over the last few days and we are pulling in a [redacted] team from [redacted] We want to be sure we have approval to use them.

Please let me know as soon as possible if there is any problem with us using the [redacted] team. We are working on the follow-up paperwork now. Thanks.

[redacted]

SA [redacted]
[redacted]

UNCLASSIFIED

From: [redacted]
Sent: Sunday, October 22, 2006 3:23 PM
To: [redacted]
Cc: [redacted]
Subject: RE: [redacted]

b3
b5
b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

[redacted]

Nice that we have all weekend to chat. Can't get enough of that [redacted]

-----Original Message-----

From: [redacted]
Sent: Sunday, October 22, 2006 1:55 PM
To: [redacted]
Cc: [redacted]
Subject: RE: [redacted]

UNCLASSIFIED
NON-RECORD

[redacted] I have been working closely with OTD and the [redacted] members on this and [redacted] improvements have been made in the approval process to support the [redacted] I'm not sure of OTD's statistical accomplishments, but [redacted] accomplishments are included below. Most notable (outside of arrest stats) are the number of victims recovered. As you are well aware, these cases move fast.

<< File: [redacted].xls >> << File: [redacted] CHART.wpd >>

I've closely coordinated with OTD [redacted] UC [redacted] on this issue numerous times. SAC approval has been the standard recently as long as [redacted]

b3
b6
b7C
b7E

Additionally, I've previously been advised by ASC [redacted] (OTD) that [redacted] can be approved by SACs as long as [redacted]

I advised [redacted] of the same last week. Our MIOG is outdated with respect to this policy and process.

All OTD [redacted] and [redacted] members are trained in legal process and follow the laws when [redacted]

Some info from previous emails provided below.

Out on inspection but will be back by end week (hopefully).

Thanks [redacted]

BEGINNING OF CUT AND PASTE

UNCLASSIFIED
NON-RECORD

[Redacted]

Could we get a copy of all the paperwork that went into this to use as a pony. When crunch time happens here I don't want to have to reinvent the wheel. I know [Redacted] can do all of this in his head, but I'm not that smart.

[Redacted]
in the [Redacted]

-----Original Message-----
From: [Redacted]
Sent: Monday, October 02, 2006 4:24 PM
To: [Redacted]
Cc: [Redacted]

b3
b6
b7C
b7E

Subject: RE: Approval for [Redacted]

UNCLASSIFIED
NON-RECORD

[Redacted] I've cc'd all [Redacted] SSAs and SA s. Names should show in the header. Thanks, [Redacted]

-----Original Message-----
From: [Redacted]
Sent: Monday, October 02, 2006 3:57 PM
To: [Redacted]
Subject: RE: Approval for [Redacted]

UNCLASSIFIED
NON-RECORD

Also, I am going to send all [Redacted] personnel an email asking them to FORMALLY brief their SAC's and SSA's on [Redacted] This way your EC and a personal brief should address any future requirements and it will be fresh in the minds of the managers.. Please send me all the names and offices of the [Redacted] personnel for inclusion. I will ask that in the offices where we have both capabilities that they do the brief together.

SSA [Redacted]
Unit Chief
Tracking Technology Unit
Operational Technology Division

b3
b6
b7C
b7E

-----Original Message-----
From: [Redacted]
Sent: Monday, October 02, 2006 3:46 PM
To: [Redacted]
Subject: RE: Approval for [Redacted]

UNCLASSIFIED
NON-RECORD

Thanks [redacted]

-----Original Message-----
From: [redacted]
Sent: Monday, October 02, 2006 3:43 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Approval for [redacted]

UNCLASSIFIED
NON-RECORD

b3
b6
b7C
b7E

No problem on approval of the [redacted] from [redacted]. Additionally, We can [redacted] service to the [redacted].
[redacted]. If this goes into a [redacted] please notify myself [redacted] 24/7) and we will send in reinforcements for our [redacted]

SSA [redacted]
Unit Chief
Tracking Technology Unit
Operational Technology Division
[redacted]

-----Original Message-----
From: [redacted]
Sent: Monday, October 02, 2006 3:37 PM
To: [redacted]
Cc: [redacted]
Subject: FW: Approval for [redacted]

UNCLASSIFIED
NON-RECORD

[redacted]

Please see below regarding the [redacted]. I just spoke with [redacted] and [redacted] and they indicated that you have authority to grant the approval. Thanks for your help.

b3
b6
b7C
b7E

[redacted]
SA [redacted]
[redacted]

-----Original Message-----
From: [redacted]
Sent: Monday, October 02, 2006 10:49 AM
To: [redacted]
Cc: [redacted]
Subject: Approval for [redacted]

UNCLASSIFIED
NON-RECORD

[redacted]

I've been asked to confirm the verbal authority which you provided last Friday for [redacted]
[redacted] We are assisting
them under a 62D case regarding a [redacted] and have been running [redacted]
[redacted] We have seen a lot of activity [redacted]
[redacted] over the last few days and we are pulling in a [redacted] team from [redacted] We
want to be sure we have approval to use them.

Please let me know as soon as possible if there is any problem with us using the [redacted] team.
We are working on the follow-up paperwork now. Thanks.

[redacted]
SA [redacted]
[redacted]

b3
b6
b7C
b7E

UNCLASSIFIED

END OF CUT AND PASTE

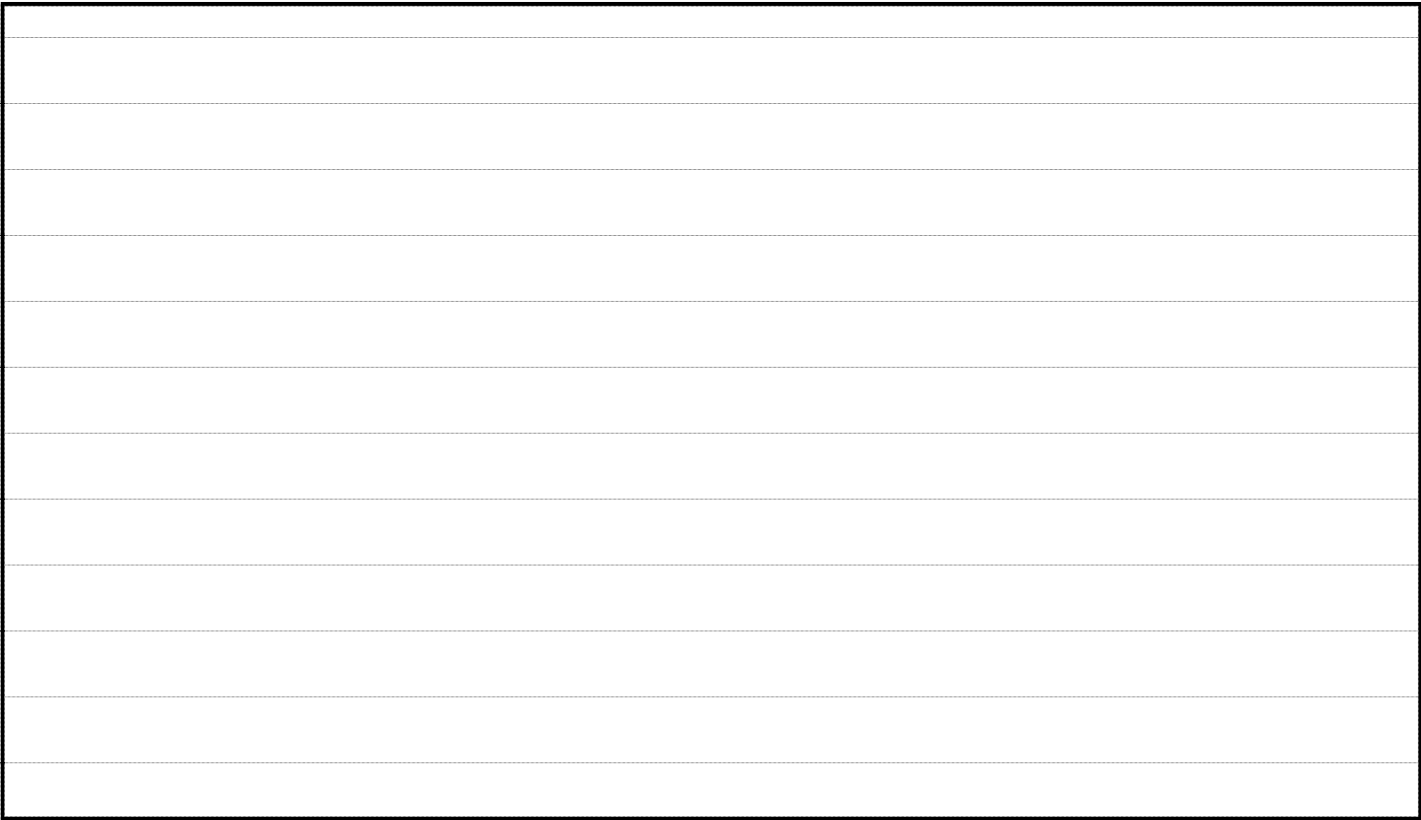
-----Original Message-----

From: [redacted]
Sent: Sunday, October 22, 2006 1:13 PM
To: [redacted]
Cc: [redacted]

Subject: [redacted]
Importance: High

b3
b5
b6
b7C
b7E

UNCLASSIFIED
NON-REC'D



[Redacted]
From: [Redacted]
Sent: Tuesday, March 18, 2008 5:54 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: [Redacted] Q's [Redacted]

~~SECRET~~
~~RECORD~~

b3
b6
b7C
b7E

I've included my section chief and Unit chief for informational purposes on this email.

In short, the [Redacted] program can address the three categories of needs mentioned below, primarily dealing with [Redacted].
[Redacted] Although, we have also maintained [Redacted]

[Redacted]

This varies on the [Redacted] and at times the goal [Redacted].
[Redacted] Let's schedule a time we can meet to go over your requirement. It's actually pretty difficult to answer [Redacted]

[Redacted] I would be up for providing you a demonstration.

Unfortunately, most of the team is out next week on travel, although I would like to go ahead and schedule a time to meet and provide this demonstration. Please call my cell phone, as my office (desk) phone is pretty full on voice mails.

[Redacted]
From: [Redacted]
Sent: Tuesday, March 18, 2008 5:31 PM
To: [Redacted]
Subject: FW: [Redacted] Q's
Importance: High

~~SECRET~~
~~RECORD~~

Are you there?

From: [Redacted]
Sent: Monday, March 17, 2008 5:01 PM
To: [Redacted]
Subject: [Redacted] Q's

b3
b6
b7C
b7E

~~SECRET~~
~~RECORD~~

[redacted] I left you a message today about the [redacted] We are considering utilizing it in a couple [redacted] cases under [redacted] I am trying to draft a request that captures [redacted] I'm interested in [redacted]

[redacted]

I'm looking forward to speaking with you on this and possibly receiving a reply to this email so I know I haven't missed something in my notes. Of course, if there is an [redacted] that would save both of us a lot of time.

Thanks

[redacted]
SSA [redacted]
[redacted]
STE [redacted]
FAX [redacted]
STE FAX [redacted]

b3
b6
b7C
b7E

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

[Redacted]

From: [Redacted]
Sent: Wednesday, April 02, 2008 4:41 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: [Redacted] Description?

~~SECRET~~
~~RECORD xxxxxxxxxxxx~~

b3
b6
b7C
b7E

[Redacted]

Attached is a quick 3 slide presentation on the [Redacted] Let me know how or "if" this helps.

[Redacted]



[Redacted]

From: [Redacted]
Sent: Monday, March 31, 2008 12:49 PM
To: [Redacted]
Cc: [Redacted]
Subject: FW: [Redacted] Description?

~~SECRET~~
~~RECORD xxxxxxxxxxxx~~

b3
b5
b6
b7C
b7E

[Redacted]

Attached is a copy of an [Redacted]
[Redacted]

We would like to get something like this in [Redacted]

<< File: [Redacted].doc >> << File: [Redacted].doc >>

Call me if you have any questions.

[Redacted]
[Redacted]

b6
b7C

From: [Redacted]
Sent: Friday, March 28, 2008 1:37 PM
To: [Redacted]

Cc: [redacted]
Subject: RE: [redacted] Description?

~~SECRET~~
~~RECORD xxxxxxxxxxxx~~

[redacted]

Sorry for the delay. I was out this week on travel duty this week, and unfortunately do not have anything ready for you. I'll try to get you something Monday or early Tuesday.

In the mean time, I would like to provide you with the following information. I have copied SA [redacted] on this email.

[redacted]

b3
b5
b6
b7C
b7E

Also,
Here's our [redacted] Web site Address: [redacted]
Here's a link to our [redacted]

[redacted]

[redacted]

From: [redacted]
Sent: Tuesday, March 25, 2008 4:53 PM
To: [redacted]
Cc: [redacted]
Subject: [redacted] Description?
Importance: High

~~SECRET~~
~~RECORD xxxxxxxxxxxx~~

[redacted]

Did you get a chance to write something up on this? Or is there something already done that you can point me to? I'm hoping to meet with DOJ this week, but I need some [redacted]

[redacted]

[redacted]

[redacted]

Thanks.

b3
b5
b6
b7C
b7E

[redacted]
Assistant General Counsel

[redacted]

~~DERIVED FROM: Multiple Sources~~
~~DECLASSIFICATION EXEMPTION 1~~
~~SECRET~~

~~DERIVED FROM: Multiple Sources~~

[Redacted]

From: [Redacted]
Sent: Wednesday, May 21, 2008 4:02 PM
To: [Redacted]
Subject: FW: [Redacted]

b3
b6
b7C
b7E

~~SECRET~~
RECORD xxxx

[Redacted]

Could you have one of your [Redacted] folks review this to see if it is technically accurate? Thanks,

[Redacted]

Assistant General Counsel
Science and Technology Law Unit
Phone: [Redacted]
Cell phone: [Redacted]
Secure phone: [Redacted]
Fax: [Redacted]

From: [Redacted]
Sent: Wednesday, May 21, 2008 12:35 PM
To: [Redacted]
Subject: FW: [Redacted]

~~SECRET~~
RECORD xxxx

[Redacted]

See below. Please forward to the appropriate OTD personnel as well. Thanks.

b3
b6
b7C
b7E

[Redacted]

Assistant General Counsel

[Redacted]

From: [Redacted]
Sent: Wednesday, May 21, 2008 12:32 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: [Redacted]

~~SECRET~~
RECORD xxxx

[Redacted]

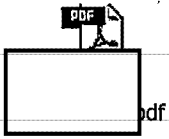
Attached is a write-up of the [Redacted] that I prepared -- using information from a variety of sources. Would you please distribute it to the appropriate people within the FBI to (a) make sure the

[Redacted]

more than half the battle.

Thanks very much.

[Redacted]



From: [Redacted]
Sent: Wednesday, April 23, 2008 11:25 AM
To: [Redacted]
Subject: [Redacted]

b3
b5
b6
b7C
b7E

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Have we made any progress on this issue from your side of the house? We may have a case or two that we can consider. I propose we get together and hammer out the remaining legal issues. Let me know what you guys think.

[Redacted]

Assistant General Counsel

[Redacted]

SENSITIVE BUT UNCLASSIFIED

DERIVED FROM: Multiple Sources
DECLASSIFICATION EXEMPTION 1
SECRET

~~**DERIVED FROM: Multiple Sources**~~
~~**DECLASSIFICATION EXEMPTION 1**~~
~~**SECRET**~~

~~**DERIVED FROM: Multiple Sources**~~
~~**DECLASSIFICATION EXEMPTION 1**~~
~~**SECRET**~~

~~SECRET~~

DATE: 10-09-2012
CLASSIFIED BY 65179 DMH/MJS
REASON: 1.4 (c, g)
DECLASSIFY ON: 10-09-2037

[Redacted]

From: [Redacted]
Sent: Thursday, July 03, 2008 8:25 PM
To: [Redacted]
Subject: Meeting today

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~
RECOR [Redacted]

[Redacted] Sorry I'm getting to this so late. I hope you are enjoying your long weekend by now!

Per conversation today, I would recommend you provide EAD Grever a memo that basically:

[Large Redacted Block]

(S)

(S)

b1
b3
b5
b6
b7C
b7E

5) Recommendation that this be briefed to the Director as soon as possible, and that FBI

(S)

[Redacted]

I provided the following short paragraph on legal issues in a memo I did to the GC. In addition to having an [Redacted] I also mentioned this would likely [Redacted]

[Redacted]

Legal Implications: Title 18 United States Code Section 2512 specifically prohibits the manufacture, distribution, possession, and advertising of wire, oral or electronic communication intercepting devices. [Redacted]

(S)

[Redacted]

[Redacted]

~~SECRET~~

CELL/010 006796

CELL/01

~~SECRET~~

DERIVED FROM: Multiple Sources
DECLASSIFY ON: 20330703
SECRET

~~SECRET~~

~~SECRET~~

DATE: 10-05-2012
CLASSIFIED BY 65179 DMH/MJS
REASON: 1.4 (c)
DECLASSIFY ON: 10-05-2037

[Redacted]

From: [Redacted]
Sent: Tuesday, March 17, 2009 11:34 AM
To: [Redacted]
Cc: [Redacted]

Subject: RE: [Redacted] REQUEST.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

SECRET
RECORD XX

[Redacted]

This is something that our whole section would be interested in hearing about. Let us know when the legal issues are resolved and we'll set it up for you to come talk about it. We can have DAD and AD in the same meeting.

b3
b5
b6
b7C
b7E

Thanks, [Redacted]

[Redacted]
[Redacted]
SSA [Redacted]
Unit Chief / FBIHQ / Unit [Redacted]

[Redacted]

From: [Redacted]
Sent: Tuesday, March 17, 2009 10:54 AM
To: [Redacted]
Cc: [Redacted]
Subject: FW: [Redacted] REQUEST.

SECRET
RECORD XX

[Redacted]

b1
b3
b5
b6
b7C
b7E

From: [Redacted]
Sent: Monday, March 16, 2009 5:07 PM
To: [Redacted]
Subject: [Redacted] REQUEST.

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

As per our discussion today..

~~SECRET~~

~~SECRET~~

**Justification for Other Than Full and Open Competition
In Accordance With 41 U.S.C. 253 (c)(6)**

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

1. IDENTIFICATION OF THE AGENCY AND THE CONTRACTING ACTIVITY

(U) The agency is the U.S. Department of Justice, Federal Bureau of Investigation (FBI) [redacted]
[redacted] Operational Technology Division (OTD). The contracting activity is the
Engineering Contracts Unit (ECU).

2. NATURE AND/OR DESCRIPTION OF THE ACTION APPROVED

(U) The proposed acquisition strategy is to award [redacted]
[redacted]

b3
b7E

3. DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET AGENCY'S NEEDS

(U) [redacted] is responsible for providing the FBI with [redacted]
[redacted]
[redacted]

(S)

b1
b3
b7E

(U) [redacted]

~~SECRET~~

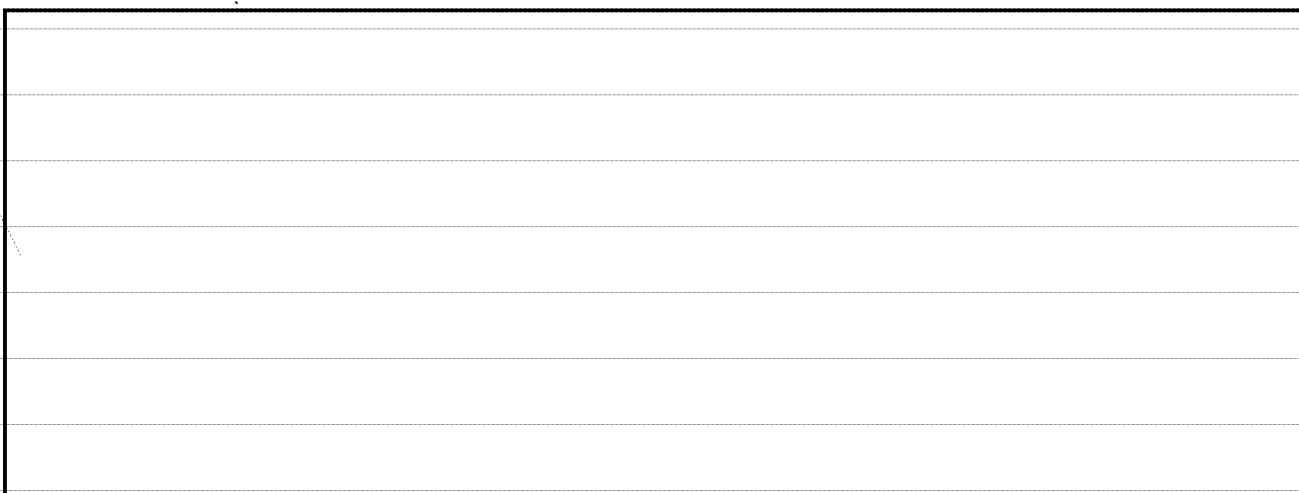
\$XXXXXX.00. Requisition #E00XXXX, in the amount of \$XXXXXX.00 has been submitted to fund the requirement.

4. IDENTIFICATION OF THE STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION

(U) The statutory authority for conducting this acquisition is 41 U.S.C. 253 (c)(6). The regulatory authority is FAR 6.302-6(a)(2). Full and Open competition need not be provided for when the disclosure of the agency's needs would compromise the national security unless the agency is permitted to limit the number of sources from which it solicits bids or proposals.

5. DEMONSTRATION THAT THE CONTRACTOR'S UNIQUE QUALIFICATIONS OR THE NATURE OF THE ACQUISITION REQUIRES USE OF THE AUTHORITY CITED

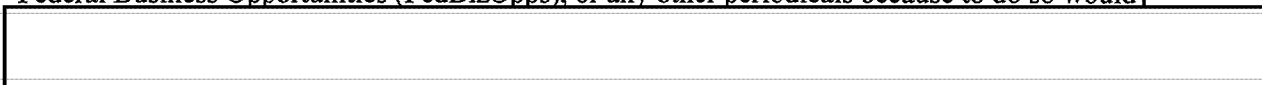
(S)



b1
b3

6. DESCRIPTION OF EFFORTS MADE TO ENSURE THAT OFFERS WERE SOLICITED FROM AS MANY POTENTIAL SOURCES AS WAS PRACTICABLE

(U) Since the procurement was not advertised pursuant to FAR 5.202(a)(1), no other sources were given the opportunity to express written or oral interest in this procurement. Further, FAR 5.202(a)(1), provides Contracting Officer authority to not publish a procurement action when "the synopsis cannot be worded to preclude disclosure of an agency's needs and such disclosure would compromise the national security", (e.g., would result in disclosure of classified information). This procurement is not being publicized in the Federal Business Opportunities (FedBizOpps), or any other periodicals because to do so would



b3
b7E

7. DETERMINATION OF THE CONTRACTING OFFICER THAT THE ANTICIPATED COST TO THE GOVERNMENT WILL BE FAIR AND REASONABLE

(U) The contracting officer has adequate information to ensure that the cost to the government for this acquisition will be fair and reasonable. Techniques may include a technical analysis of proposed direct costs, audit, or comparison of proposed indirect factors with audited factors in use elsewhere in the Government, and rigorous negotiation.

8. A DESCRIPTION OF THE MARKET SURVEY CONDUCTED AND THE RESULTS OR A

~~SECRET~~

STATEMENT OF THE REASONS A MARKET SURVEY WAS NOT CONDUCTED

(U)

[Redacted]

b3
b7E

9. ANY OTHER FACTS SUPPORTING THE USE OF OTHER THAN FULL AND OPEN COMPETITION

(U)

[Redacted] supporting the use of other than full and open competition.

See paragraph (5) above for facts

10. A LISTING OF SOURCES, IF ANY, THAT EXPRESSED IN WRITING AN INTEREST IN THE ACQUISITION

(U) Since the procurement was not advertised pursuant to FAR 5.202(a)(1), no other sources were given the opportunity to express written or oral interest in this procurement.

11. A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS TO COMPETITION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES REQUIRED

(U) The FBI will evaluate future procurement actions to determine whether full and open competition is appropriate and in the best interests of the government.

12. TECHNICAL REPRESENTATIVE CERTIFICATION

(U) Based on the above findings, it is hereby determined, within the meaning of 41 U.S.C. 253(c)(6) and FAR 6.302-6, full and open competition need not be provided for when the disclosure of the agency's needs would compromise national security, unless the agency is permitted to limit the number of sources from which it solicits bids or proposals.

~~SECRET~~

CELL/OTD 007027

~~SECRET~~

(U) As the Contracting Officer Technical Representative (COTR) of record, I hereby certify to the best of my knowledge that all information contained herein is complete and accurate to the best of my knowledge.

[Redacted] _____ (Date)

(U) As Contracting Officer of record, I hereby certify to the best of my knowledge that all information contained herein is complete and accurate to the best of my knowledge.

b6
b7c

[Redacted] _____ (Date)

(U) As the Supervisory Contracting Officer of record, I hereby certify to the best of my knowledge that all information contained herein is complete and accurate to the best of my knowledge.

, Supervisory Contracting Officer (Date)

, FBI Chief Contracting Officer (Date)

Office of General Counsel (Date)

Approved By: _____
, Competition Advocate (Date)

~~SECRET~~