



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

JAN 31 2003

MR CHRIS HOOFNAGLE
ELECTRONIC PRIVACY INFORMATION CENTER
SUITE 200
1718 CONNECTICUT AVENUE, NORTHWEST
WASHINGTON, DC 20009

Subject: CHOICEPOINT, INC./CONTRACT

FOIPA No. 0945608- 002

Dear Requester:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

Section 552a

- List of exemption codes: (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7)(A)-(F), (b)(8), (b)(9), (d)(5), (j)(2), (k)(1)-(7)

250 page(s) were reviewed and 193 page(s) are being released.

- Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:
- referred to the OGA for review and direct response to you.
- referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.
You have the right to appeal any denials in this release. Appeals should be directed in writing to the Co-Director, Office of Information and Privacy, U.S. Department of Justice, Flag Building, Suite 570, Washington, D.C. 20530-0001 within sixty days from receipt of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.
The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other

individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief,
Records Information
and Dissemination Section
Records Management Division

Enclosure(s) (2)

Documents were located which originated with, or contained information concerning Choicepoint. This information will be referred to Choicepoint for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

A decision on your request for a waiver of fees hasn't been made at this time. Title 5, United States Code, Section 552 (a) (4) (A) (iii), provides that documents shall be furnished without charge or at a reduced charge "if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government and is not primarily in the commercial interest of the requester." If your request is denied, pursuant to Title 28, Code of Federal Regulations, Section 16.10 and 1647, there is a fee of ten cents per page for duplication. No fees are assessed for the first 100 pages.

We are currently processing additional material in response to your request on Choicepoint Inc./Contract. Upon completion of this material, we will send it to you.

EXPLANATION OF EXEMPTIONS**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (b) (1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b) (2) related solely to the internal personnel rules and practices of an agency;
- (b) (3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b) (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b) (5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b) (6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b) (7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b) (8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b) (9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d) (5) information compiled in reasonable anticipation of a civil action proceeding;
- (j) (2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k) (1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k) (2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k) (3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k) (4) required by statute to be maintained and used solely as statistical records;
- (k) (5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k) (6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k) (7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

*Freedom of Information
and
Privacy Acts*

Subject: CHOICEPOINT



Federal Bureau of Investigation

b1 (S) [redacted] I told you
about - could you help [redacted] b7c
[redacted] out? Times [redacted]

FROM THE DESK OF

b7c [redacted] b7c
[redacted]

If you can think of anything else we should be saying to alleviate [redacted] fears b7c
& concerns (you mentioned

b7c [redacted] I'd be most grateful.

#94508
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/30/02 BY SP6/TM/KSB [redacted] b7c

8/30/02
CLASSIFIED BY SP6/TM/KSB
REASON: 1.5 (C)
DATE 7/30/02 BY SP6/TM/KSB

DOCUMENT, 1
~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

XXXXXX
XXXXXX
XXXXXX

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

2 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

(b)(1)

(b)(7)(A)

(d)(5)

(b)(2)

(b)(7)(B)

(j)(2)

(b)(3)

(b)(7)(C)

(k)(1)

(b)(7)(D)

(k)(2)

(b)(7)(E)

(k)(3)

(b)(7)(F)

(k)(4)

(b)(4)

(b)(8)

(k)(5)

(b)(5)

(b)(9)

(k)(6)

(b)(6)

(k)(7)

Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.

Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

Pages were not considered for release as they are duplicative of _____

Page(s) withheld for the following reason(s): _____

The following number is to be used for reference regarding these pages:

Document 2 pages 2-3

XXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication X

To: Finance Division From: Criminal Investigative

Re: [REDACTED] 04/04/2000

(S) b1

~~SECRET~~

[REDACTED]

(S) b1

[REDACTED]

(S) b1

ChoicePoint, Inc., which is a U.S. owned company and a leader in the private investigation, law enforcement, financial, and commercial public record industry, has agreed, in principle, to meet security standards and controls to be set by the FBI for personnel, physical site, and data access.

[REDACTED]

(S) b1

For the unique operational and national security reasons set forth above, ChoicePoint, Inc., is being recommended for this services agreement as an exception to competitive-bid and federal acquisition requirements (FAR).

♦♦

02 APR 04 10:00 AM
FBI - NEW YORK

~~SECRET~~

To: Finance Division From: Criminal Investigative
Re: [REDACTED] 04/04/2000

(S) b1

LEAD (S)

Set Lead 1:

~~SECRET~~

FINANCE

AT WASHINGTON, DC

1) Will review the contents of this communication and advise CID if a services agreement can be effected with ChoicePoint as set forth above. 2) Will assist CID in the preparation of this agreement to include a statement of work, terms of exclusivity, terms of confidentiality, indemnification and fee schedules.

♦♦

~~SECRET~~

~~SECRET~~

b7c

[REDACTED]

SA, FBI Atlanta

[REDACTED]

(S) b1

Direct
Pages
Fax

[REDACTED]

b2

#1945608 8/30/02
CLASSIFIED BY: SP5 JCK/KSB
REASON: 1.5 (C)
DECLASSIFY ON: X

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DOCUMENT 3

~~SECRET~~

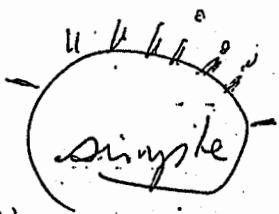
2. Cho: a

~~ST~~

SS a RUA

PART 6.302-1

9 auth
6 copyright



SU

~~ST~~

b7C

From: [REDACTED]
To: [REDACTED]
Date: Mon, Apr 24, 2000 4:14 PM
Subject: Public Source Plan

Attached is my evaluation of your ChoicePoint proposal. By no means is it all-encompassing but I hope I hit the highlights. I've also attached an Excel spreadsheet that I put together a long time ago for the Public Source Information Working Group. This will give you an idea of the kinds of information available through companies like Lexis-Nexis and ChoicePoint. The tabs at the bottom will take you to the different types of data.

Happy reading!

#945608
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/30/02 BY SP5UC/K815



XXXXXX
XXXXXX
XXXXXX

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

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Section 552

Section 552a

(b)(1)

(b)(7)(A)

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(b)(7)(C)

(k)(1)

(b)(7)(D)

(k)(2)

(b)(7)(E)

(k)(3)

(b)(7)(F)

(k)(4)

(b)(4)

(b)(8)

(k)(5)

(b)(5)

(b)(9)

(k)(6)

(b)(6)

(k)(7)

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Pages were not considered for release as they are duplicative of _____

4 Page(s) withheld for the following reason(s): Choicepoint Information
contained in FBI's document.

The following number is to be used for reference regarding these pages:
Document 6, pages 1-4

XXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X

~~SECRET~~

money than what has been talked about to date. They should be able to complete this in no more than 60 days.

(S) b1

6. Once the first 5 steps are completed, evaluate where the FBI is with regard to public source information systems and [REDACTED] to determine whether a vendor should provide further services through a second contract or if we should develop a permanent program in-house.

b7c

That's about all the issues I can think of at this point. Remember that this is one person's opinion. [REDACTED] may have other ideas and/or concerns as may others! If there is concern about using regular FBI accounts to conduct any evaluation of public source systems, it might be beneficial to get commercial accounts through a [REDACTED]

[REDACTED] (S) b1

SECRET

b7c

b7c

From: [redacted]
To: [redacted]
Date: Thu, Apr 27, 2000 12:12 PM
Subject: Preparation of Statement of work for ChoicPoint Services Agreement

Your presence is requested for a meeting re: Preparation of Statement work for ChoicePoint Services Agreement at FBIHQ, Room 5145, on Wednesday, May 3, 2000, at 2:00 p.m. - 4:00 p.m. If you are unable to attend please contact Program Manager [redacted] or Program Analyst [redacted]

b7c

CC: [redacted] b7c

[redacted] b7c

Pls attend this - you may want to take along a contract specialist from either [redacted] or [redacted] unit. Also, I'd see if [redacted] or [redacted] can go in addition to [redacted] (whose expertise is likely not in procurement)

May 22

[redacted]

#945608
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/30/02 BY SP5/cksp

*Comparable
Rather than complaint
incompatible KS complaint*



FBI

Office of the General Counsel Administrative Law Unit

Facsimile Transmittal Sheet

PRECEDENCE

- Immediate
- Priority
- Routine

CLASSIFICATION

- | | |
|---------------------------------------|---------------------------------------|
| <input type="checkbox"/> Top Secret | <input type="checkbox"/> Sensitive |
| <input type="checkbox"/> Secret | <input type="checkbox"/> Unclassified |
| <input type="checkbox"/> Confidential | |

TO:

Recipient: [REDACTED] VIA FAX-NUMBER: [REDACTED] Recipient's voice phone: [REDACTED]	6 18 pages total (including cover)
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FOR:

Appropriate Action	Comment	Note and Return
Approval	Coordination	Per Conversation
<input checked="" type="checkbox"/> As Requested	File	Signature/Initial
Circulate	<input checked="" type="checkbox"/> For Your Information	Other:
Clearance	May We Discuss	

RE: 41 USC 253 (c) (1) - 4 pages
 FAR 6.302 - 10 pages

FAR 5.202
 6.304

FROM: [REDACTED] Assistant General Counsel	Room [REDACTED] 6358	Phones [REDACTED] (voice) (fax)	Date 5/25/00 5/30/00
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FBI/DOJ

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Good Luck

#945008
 ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 8/30/02 BY SP/CK/SPB

b1

To: Finance Division From: CID/OSS [redacted]

Re: [redacted] (S) 06/09/2000

b2

Administrative: [redacted] CID sponsored meetings at FBIHQ, 2/24/00 and 3/16/00, and 4/28/00.

Enclosure(s): Justification for Other Than Full and Open Competition in Accordance with Title 41, United States Code, Section 253 (c) (6).

[redacted] (S)

b1

[redacted] (S)

b1

[redacted] (S)

b1

[redacted] (S)

b1

[redacted] (S)

b1

5.201 -- General.

- (a) As required by the Small Business Act (15 U.S.C.637(e)) and the Office of Federal Procurement Policy Act (41 U.S.C.416), agencies shall furnish for publication in the Commerce Business Daily (CBD) notices of proposed contract actions as specified in paragraph (b) of this section.
- (b) For acquisitions of supplies and services other than those covered by the exceptions in 5.202, and special situations in 5.205, the contracting officer shall transmit a notice to the CBD (synopsis) (see 5.207) for each proposed --
 - (1) Contract actions meeting the thresholds in 5.101(a)(1);
 - (2) Effort to locate private commercial sources for cost comparison purposes under OMB Circular A-76 (see 5.205(e));
 - (3) Modification to an existing contract for additional supplies or services that meets the thresholds in 5.101(a)(1); or
 - (4) Contract action in any amount when advantageous to the Government.
- (c) The primary purposes of the CBD notice are to improve small business access to acquisition information and enhance competition by identifying contracting and subcontracting opportunities.
- (d) Subscriptions to the CBD must be placed with the Superintendent of Documents, Government Printing Office, Washington, DC 20402 (Tel. 202-512-1800).

5.202 -- Exceptions.

The contracting officer need not submit the notice required by 5.201 when --

- (a) The contracting officer determines that --
 - (1) 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). The fact that a proposed solicitation or contract action contains classified information, or that access to classified matter may be necessary to submit a proposal or perform the contract does not, in itself, justify use of this exception to synopsis;
 - (2) The proposed contract action is made under the conditions described in 6.302-2 (or, for purchases conducted using simplified acquisition procedures, if unusual and compelling urgency precludes competition to the maximum extent practicable) and the Government would be seriously injured if the agency complies with the time periods specified in 5.203;
 - (3) The proposed contract action is one for which either the written direction of a foreign government reimbursing the agency for the cost of the acquisition of the supplies or services for such government, or the terms of an international agreement or treaty between the United States and a foreign government, or international organizations, has the effect of requiring that

the acquisition shall be from specified sources;

- (4) The proposed contract action is expressly authorized or required by a statute to be made through another Government agency, including acquisitions from the Small Business Administration (SBA) using the authority of section 8(a) of the Small Business Act (but see 5.205(f)), or from a specific source such as a workshop for the blind under the rules of the Committee for the Purchase from the Blind and Other Severely Handicapped;
- (5) The proposed contract action is for utility services other than telecommunications services and only one source is available;
- (6) The proposed contract action is an order placed under Subpart 16.5;
- (7) The proposed contract action results from acceptance of a proposal under the Small Business Innovation Development Act of 1982 (Pub. L. 97-219);
- (8) The proposed contract action results from the acceptance of an unsolicited research proposal that demonstrates a unique and innovative concept (see 6.003) and publication of any notice complying with 5.207 would improperly disclose the originality of thought or innovativeness of the proposed research, or would disclose proprietary information associated with the proposal. This exception does not apply if the proposed contract action results from an unsolicited research proposal and acceptance is based solely upon the unique capability of the source to perform the particular research services proposed (see 6.302-1(a)(2)(i));
- (9) The proposed contract action is made for perishable subsistence supplies, and advance notice is not appropriate or reasonable;
- (10) The proposed contract action is made under conditions described in 6.302-3, or 6.302-5 with regard to brand name commercial items for authorized resale, or 6.302-7, and advance notice is not appropriate or reasonable;
- (11) The proposed contract action is made under the terms of an existing contract that was previously synopsisized in sufficient detail to comply with the requirements of 5.207 with respect to the current proposed contract action;
- (12) The proposed contract action is by a Defense agency and the proposed contract action will be made and performed outside the United States, its possessions, or Puerto Rico, and only local sources will be solicited. This exception does not apply to proposed contract actions subject to the Trade Agreements Act (see Subpart 25.4). This exception also does not apply to North American Free Trade Agreement proposed contract actions, which will be synopsisized in accordance with agency regulations;
- (13) The proposed contract action --
 - (i) Is for an amount not expected to exceed the simplified acquisition threshold;
 - (ii) Will be made through FACNET or another means that provides access to the notice of



FBI

Office of the General Counsel
Administrative Law Unit

Facsimile Transmittal Sheet

PRECEDENCE		CLASSIFICATION			
<input type="checkbox"/>	Immediate	<input type="checkbox"/>	Top Secret	<input type="checkbox"/>	Sensitive
<input type="checkbox"/>	Priority	<input type="checkbox"/>	Secret	<input type="checkbox"/>	Unclassified
<input checked="" type="checkbox"/>	Routine	<input type="checkbox"/>	Confidential		

TO:

Recipient: [REDACTED] VIA FAX-NUMBER: [REDACTED] Recipient's voice phone: [REDACTED]	18 pages total (including cover) b7c
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FOR:

	Appropriate Action	Comment	Note and Return
	Approval	Coordination	Per Conversation
<input checked="" type="checkbox"/>	As Requested	File	Signature/Initial
	Circulate	<input checked="" type="checkbox"/> For Your Information	Other:
	Clearance	May We Discuss	

RE: 41 USC 253 (c) (1) - 4 pages
FAR 5.302 - 10 - pages

PAR 5.202
6.304

FROM: [REDACTED] Assistant General Counsel	Room 7358 ^B	Phones [REDACTED] (voice) [REDACTED] (fax)	Date 5/25/00 5/30/00
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Good Luck

DOCUMENT 9

ALL INFORMATION CONTAINED
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DATE 8/30/02 BY SP5/CK/SB

***** [REDACTED] *****

-----Admin. Law/Inves. Law-----

NO. [REDACTED] CM ABBR/NT/K STATION NAME/ PAGES PRG. NO. PROGRAM NAME

006/006 [REDACTED] s OK s

b2

Clauses to go in [redacted] **b7c**

52.227-1 Authorization and Consent, July 1995

CP can use any invention or described in or covered by a U.S. patent

52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement, August 1996

If any one places a claim against CP for Patent or copy right infringement, CP has to notify the Government.

52.227-13 Patent Rights - Acquisition by the Government, January 1997

?

52.227-14 Rights in Data General - June 1987

Alternate III & Alternate V

52.227-15 Representation of Limited Rights Data and Restricted Computer Software, May 1999

52.227-17 Rights in Data - Special Works, June 1987

#940608
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/20/02 BY SP5/KCS/SPJ

DOCUMENT 10

XXXXXX
XXXXXX
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FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

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Section 552

Section 552a

(b)(1)

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(b)(7)(C)

(k)(1)

(b)(7)(D)

(k)(2)

(b)(7)(E)

(k)(3)

(b)(7)(F)

(k)(4)

(b)(4)

(b)(8)

(k)(5)

(b)(5)

(b)(9)

(k)(6)

(b)(6)

(k)(7)

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Pages were not considered for release as they are duplicative of _____

1 Page(s) withheld for the following reason(s): Checkpoint Information Contained in FBI's document.

- The following number is to be used for reference regarding these pages:

Document 11, page 1

XXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication For X

XXXXXX
XXXXXX
XXXXXX

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

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Section 552a

(b)(1)

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(k)(1)

(b)(7)(D)

(k)(2)

(b)(7)(E)

(k)(3)

(b)(7)(F)

(k)(4)

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The following number is to be used for reference regarding these pages:

Document 11, pages 3-6

XXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X

b2

To: Finance Division From: CID/OSS

Re: [REDACTED] 06/09/2000

(S) b1

X

LEAD (S)

Set Lead 1: (Adm.)

FINANCE

AT WASHINGTON, D.C.

1) Will review the contents of this communication and advise CID if a services agreement can be effected with ChoicePoint as set forth above.

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X

To: Finance Division From: CID/OSS
Re: [REDACTED] 06/09/2000 [REDACTED]

~~bi~~

(S) bi

~~X~~

~~[REDACTED]~~

XXXXXX
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FOIPA
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Section 552

Section 552a

(b)(1)

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(d)(5)

(b)(2)

(b)(7)(B)

(j)(2)

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Document 12, page 1

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JUSTIFICATION FOR OTHER THAN
FULL AND OPEN COMPETITION

DEPARTMENT OF DEFENSE
ACQUISITION REGISTRATION

3. DESCRIPTION OF SERVICES REQUIRED:

[REDACTED]

(S) b1

[REDACTED]

(S) b1

b1 (S) [REDACTED]

[REDACTED]

(S) b1

[REDACTED]

(S) b1

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(S) b1

[REDACTED]

(S) b1

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JUSTIFICATION FOR OTHER THAN
FULL AND OPEN COMPETITION

[REDACTED] (S) b1

[REDACTED] (S) b1

[REDACTED] (S) b1

[REDACTED] (S) b1

4. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION:

The statutory authority for using other than full and open competition is Title 41, United States Code, Section 253 (c) (6) the disclosure of the executive 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 PROPOSED NATURE OF THE ACQUISITION REQUIRES USE OF THE AUTHORITY CITED:

[REDACTED] (S) b1

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proposed contract action through the single, Governmentwide point of entry; and

(iii) Permits the public to respond to the solicitation electronically; or

(14) The proposed contract action is made under conditions described in 6.302-3 with respect to the services of an expert to support the Federal Government in any current or anticipated litigation or dispute.

(b) The head of the agency determines in writing, after consultation with the Administrator for Federal Procurement Policy and the Administrator of the Small Business Administration, that advance notice is not appropriate or reasonable

6.304 -- Approval of the Justification.

- (a) Except for paragraph (b) of this section, the justification for other than full and open competition shall be approved in writing --
- (1) For a proposed contract not exceeding \$500,000, the contracting officer's certification required by 6.303-2(a)(12) will serve as approval unless a higher approving level is established in agency procedures.
 - (2) For a proposed contract over \$500,000 but not exceeding \$10,000,000, by the competition advocate for the procuring activity designated pursuant to 6.501 or an official described in paragraph (a)(3) or (a)(4) of this section. This authority is not delegable.
 - (3) For a proposed contract over \$10,000,000 but not exceeding \$50,000,000, by the head of the procuring activity, or a designee who --
 - (i) If a member of the armed forces, is a general or flag officer; or
 - (ii) If a civilian, is serving in a position in grade GS 16 or above under the General Schedule (or in a comparable or higher position under another schedule).
 - (4) For a proposed contract over \$50,000,000, by the senior procurement executive of the agency designated pursuant to the OFPP Act (41 U.S.C.414(3)) in accordance with agency procedures. This authority is not delegable except in the case of the Under Secretary of Defense (Acquisition and Technology), acting as the senior procurement executive for the Department of Defense.
- (b) Any justification for a contract awarded under the authority of 6.302-7, regardless of dollar amount, shall be considered approved when the determination required by 6.302-7(c)(1) is made.
- (c) A class justification for other than full and open competition shall be approved in writing in accordance with agency procedures. The approval level shall be determined by the estimated total value of the class.
- (d) The estimated dollar value of all options shall be included in determining the approval level of a justification.

6.305 -- Availability of the Justification.

- (a) The justifications required by 6.303-1 and any related information shall be made available for public inspection as required by 10 U.S.C.2304(f)(4) and 41 U.S.C.303(f)(4). Contracting officers shall carefully screen all justifications for contractor proprietary data and remove all such data, and such references and citations as are necessary to protect the proprietary data, before making the justifications available for public inspection. Contracting officers shall also be guided by the exemptions to disclosure of information contained in the Freedom of Information Act (5 U.S.C.552)

and the prohibitions against disclosure in 24.202 in determining whether other data should be removed.

- (b) If a Freedom of Information request is received, contracting officers shall comply with Subpart 24.2.

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Section 552

Section 552a

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Document 12, page 4

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JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

X

[REDACTED] (S) b1

[REDACTED] (S) b1

[REDACTED] (S) b1

Notice of this proposed contract action will not be submitted for publication because the synopsis cannot be worded to preclude disclosure of the FBI's needs and such disclosure would compromise the national security through the foreseeable public disclosure of classified information. (Pursuant to Part 5.202(a) (1) of the Federal Acquisition Regulation.) *

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Document 12, page 6

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**JUSTIFICATION FOR OTHER THAN
FULL AND OPEN COMPETITION**

7

11. ACTIONS TAKEN TO REMOVE/OVERCOME BARRIERS TO COMPETITION:

Currently not applicable, although a future implementation contract may require multiple awards to other major public source information providers based on percentage share of the information industry market.

12. CERTIFICATIONS:

TECHNICAL SPECIALIST CERTIFICATION:

As the Technical Representative of this requirement, I hereby certify that all information contained herein is complete and accurate to the best of my knowledge.

Date
Contracting Officers
Technical Representative

CONTRACTING OFFICER CERTIFICATION:

As the Contracting Officer handling this acquisition, I hereby certify that all information contained herein is complete and accurate to the best of my knowledge. /

Date
Contracting Officer
Unit Chief
Date

LEGAL REVIEW:

Date
Contracting Officer

~~SECRET~~

This should be
marked ~~classified~~

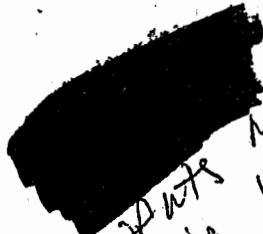
NSU



~~to touch base~~

Division 5 cut in

b7c



wants me to
call her
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Document 14 pages 1-2

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JUSTIFICATION FOR OTHER THAN
FULL AND OPEN COMPETITION

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[REDACTED] (S) b1

[REDACTED] (S) b1

[REDACTED] (S) b1

4. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION:

The statutory authority for using other than full and open competition is Title 41, United States Code, Section 253 (c) (6) the disclosure of the executive 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 PROPOSED NATURE OF THE ACQUISITION REQUIRES USE OF THE AUTHORITY CITED:

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Document 14, page 4

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JUSTIFICATION FOR OTHER THAN
FULL AND OPEN COMPETITION

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Notice of this proposed contract action will not be submitted for publication because the synopsis cannot be worded to preclude disclosure of the FBI's needs and such disclosure would compromise the national security through the foreseeable public disclosure of classified information. (Pursuant to Part 5.202(a)(1) of the Federal Acquisition Regulation.)

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Document 14, page 6

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JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

~~SECRET~~ Note, due to national security needs

11. ACTIONS TAKEN TO REMOVE/OVERCOME BARRIERS TO COMPETITION:

Currently not applicable, although a future implementation contract may require multiple awards to other major public source information providers based on percentage share of the information industry market.

MB

12. CERTIFICATIONS:

↑ contracts need for NAT security

TECHNICAL SPECIALIST CERTIFICATION:

As the Technical Representative of this requirement, I hereby certify that all information contained herein is complete and accurate to the best of my knowledge.

Date
Contracting Officers
Technical Representative

CONTRACTING OFFICER CERTIFICATION:

As the Contracting Officer handling this acquisition, I hereby certify that all information contained herein is complete and accurate to the best of my knowledge.

Date
Contracting Officer
Unit Chief
Date

LEGAL REVIEW:

Date
Contracting Officer

get this part from [redacted] b7c

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Document 15, pages 1-2

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FBI

Office of the General Counsel
Administrative Law Unit

Facsimile Transmittal Sheet

PRECEDENCE

- Immediate
- Priority
- Routine

CLASSIFICATION

- | | |
|---------------------------------------|---------------------------------------|
| <input type="checkbox"/> Top Secret | <input type="checkbox"/> Sensitive |
| <input type="checkbox"/> Secret | <input type="checkbox"/> Unclassified |
| <input type="checkbox"/> Confidential | |

TO:

Recipient: VIA FAX-NUMBER: Recipient's voice phone:	2 pages total (including cover) b7c
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FOR:

	Appropriate Action		Comment	Note and Return
	Approval		Coordination	Per Conversation
<input checked="" type="checkbox"/>	As Requested		File	Signature/Initial
	Circulate	<input checked="" type="checkbox"/>	For Your Information	Other:
	Clearance		May We Discuss	

Comments on J&A. Looks good.

FROM: Assistant General Counsel	Room 7358	Phones (voice) (fax)	Date 6/13/00
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FBI/DOJ

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DOCUMENT 16

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HEREIN IS UNCLASSIFIED
DATE 8/30/02 BY SP5/uk/ab

b7c

Great Job! I just have a few comments.

- 1. Page 5 of EC (last paragraph); and page 2 of J&A (first paragraph...Upon completion, the prototype will be evaluated and page 2 of J&A third paragraph ..Prior to implementation.....).

I assume the funds here are just for the feasibility study and not the prototype. You just need to be a little more emphatic on that point.

- 2. Page 4, paragraph that begins "included in ...", fifth line, delete "at a minimum".
- 3. Page 4, last paragraph, delete "it is believed that".
- 4. Page 6, Item 7, paragraph 2, after "reasonable", add "The Contracting Officer will determine that the anticipated cost to the Government is fair and reasonable prior to awarding the contract.
- 5. Page 6, Item 8, first paragraph, change "at least as well as any" to "better than".
- 6. Page 6, Item 8, Delete paragraph 2. You have really done a small market survey or "review of the types of information available", so copy the paragraph from page 4 that reads, "Included in the evaluation of"
- 7. Page 6, Item 10, We don't like N/A and only use it as a last resort. Try "No sources expressed a written interest in this acquisition."
- 8. Page 7, Item 11, This language flies in the face of what you are trying to accomplish. Try something like "Due to ****, no competition is anticipated."
- 9. Page 7, Item 12, Signature block for Legal Review should read Assistant General Counsel in lieu of Contracting Officer.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/30/02 BY SP5/KCS/B JOT

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MODE = MEMORY TRANSMISSION

START=JUN-13 09:20

END=JUN-13 09:21

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001 OK s [REDACTED] b2 002/002

Admin. Law/Inves. Law

***** [REDACTED] b7c ***** - [REDACTED] b7c *****



FBI

Office of the General Counsel
Administrative Law Unit

Facsimile Transmittal Sheet

PRECEDENCE

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- Priority
- Routine

CLASSIFICATION

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- Secret
- Confidential
- Sensitive
- Unclassified

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Recipient: [REDACTED] b7c VIA FAX-NUMBER: [REDACTED] b2 Recipient's voice phone: [REDACTED] b7c	2 pages total (including cover)
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FOR:

Appropriate Action	Comment	Note and Return
Approval	Coordination	Per Conversation
<input checked="" type="checkbox"/> As Requested	File	Signature/Initial
Circulate	<input checked="" type="checkbox"/> For Your Information	Other:
Clearance	May We Discuss	

Comments on J&A. Looks good.

FROM: [REDACTED] b7c Assistant General Counsel	Room 7358	Phones [REDACTED] b7c (voice) (fax) b2	Date 6/13/00
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FBI/DOJ

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DOCUMENT 17

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Document 18, page 1

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JUSTIFICATION FOR OTHER THAN
FULL AND OPEN COMPETITION

3. DESCRIPTION OF SERVICES REQUIRED:

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~~██████████~~ (S)

L.6 JAR 2852.233-70 PROTESTS FILED DIRECTLY WITH THE DEPARTMENT OF JUSTICE (JAN 1998)

(a) The following definitions apply in this provision:

(1) "Agency Protest Official" means the official, other than the contracting officer, designated to review and decide procurement protests filed with a contracting activity of the Department of Justice.

(2) "Deciding Official" means the person chosen by the protestor to decide the agency protest; it may be either the Contracting Officer or the Agency Protest Official.

(3) "Interested Party" means an actual or prospective offeror whose direct economic interest would be affected by the award of a contract or by the failure to award a contract.

(b) A protest filed directly with the Department of Justice must:

(1) Indicate that it is a protest to the agency.

(2) Be filed with the Contracting Officer.

(3) State whether the protestor chooses to have the Contracting Officer or the Agency Protest Official decide the protest. If the protestor is silent on this matter, the Contracting Officer will decide the protest.

(4) Indicate whether the protestor prefers to make an oral or written presentation of arguments in support of the protest to the deciding official.

(5) Include the information required by FAR 33.103(a)(2):

(i) Name, address, facsimile number and telephone number of the protestor.

(ii) Solicitation or contract number.

(iii) Detailed statement of the legal and factual grounds for the protest, to include a description of resulting prejudice to the protestor.

(iv) Copies of relevant documents.

(v) Request for a ruling by the agency.

~~SECRET~~

~~SECRET~~

b1

(S)

- (vi) Statement as to the form of relief requested.
- (vii) All information establishing that the protestor is an interested party for the purpose of filing a protest.
- (viii) All information establishing the timeliness of this protest.
- (c) An interested party filing a protest with the Department of Justice has the choice of requesting either that the Contracting Officer or the Agency Protest Official decide the protest.
- (d) The decision by the Agency Protest Official is an alternative to a decision by the Contracting Officer. The Agency Protest Official will not consider appeals from the Contracting Officer's decision on an agency protest.
- (e) The deciding official must conduct a scheduling conference with the protestor within five (5) days after the protest is filed. The scheduling conference will establish deadlines for oral or written arguments in support of the agency protest and for many officials to present information in response to the protest issues. The deciding official may hear oral arguments in support of the agency protest at the same time as the scheduling conference, depending on availability of the necessary parties.
- (f) Oral conferences may take place either by telephone or in person. Other parties may attend at the discretion of the deciding official.
- (g) The protestor has only one opportunity to support or explain the substance of its protest. Department of Justice procedures do not provide for any discovery. The deciding official may request additional information from either the agency or the protestor. The deciding official will resolve the protest through informal presentations or meetings to the maximum extent practicable.
- (h) An interested party may represent itself or be represented by legal counsel. The Department of Justice will not reimburse the protestor for any legal fees related to the agency protest.
- (i) The Department of Justice will stay award or suspend contract Performance in accordance with FAR 33.103(f). The stay or suspension unless over-riden, remains in effect until the protest is decided, dismissed, or withdrawn.
- (j). The deciding official will make a best effort to issue a decision on the protest within twenty (20) days after the filing date. The decision may be oral or written.

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(k) The Department of Justice may dismiss or stay proceeding on an agency protest if a protest on the same or similar basis is filed with a protest forum outside the Department of Justice.

(End of Clause)

L.7 INSTRUCTIONS FOR PREPARING PROPOSALS

This section specifies the requirements for the preparation of Technical and Price Proposals. The complete proposal shall consist of two discrete and separately bound documents, Volume I-Technical Proposal and Volume II-Price Proposal.

Full, accurate and complete information shall be in each proposal to facilitate a thorough and timely evaluation by the Technical and Price panels.

All proposals submitted in response to this solicitation shall be formatted as stipulated in the following instructions. Each submission must be self-contained referring to other parts for clarification only.

- (a) Offerors shall submit an original and two (2) copies of each proposal.
- (b) The Standard Form 33 of the original proposal must bear an original signature, not a copy.
- (c) Offerors must complete and return Section K, Representations, Certifications, and Other Statements of Offerors, by marking the boxes or filling in the blanks, as required.

L.7.1 The Technical Proposal shall describe and discuss the following:

L.7.2 Technical Approach

(a) The Offerors shall discuss their approach to developing the feasibility study. Discussion shall demonstrate understanding of the purpose and structure of the feasibility study. Additionally, the Offeror shall submit samples of Previous feasibility studies.

(b) The Offerors shall discuss their approach in conducting the feasibility study.

(c) The Offerors shall demonstrate their understanding of the feasibility study.

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L.7.3 Management

(a) The Offerors shall submit resumes for the Project Director/Manager and feasibility study staff to meet the qualifications at C. and .

(b) The Offerors shall submit management plans detailing the proposed sequence of tasks, key personnel assignments, manpower and time estimates, management controls, and quality assurance procedures.

(c) The Offerors shall provide a milestone chart establishing schedules for contract deliverables.

L.7.4 Past Performance

(a) The proposal shall include the Offeror's past performance by submitting a list of three (3) related contracts with Federal government agencies to include names and telephone numbers of Contracting Officers and contract numbers.

L.8 INSTRUCTIONS FOR PREPARING PRICE PROPOSAL

The price proposal shall be fully supported by pricing data adequate to establish price realism and reasonableness. The price proposal must contain a detailed price breakdown (elements that comprise the total price).

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Clas 11-27-00 b1

PART I - THE SCHEDULE

[REDACTED] (S)

SECTION B - SUPPLIES OR SERVICES AND PRICES/COSTS

B.1 TYPE OF CONTRACT

This is a Firm-Fixed-Price (FFP) contract.

B.2 SERVICES

The Criminal Investigative Division (CID) [REDACTED] has a requirement to conduct a feasibility study for a prototype methodology to meet the requirements of the Federal Bureau of Investigation's (FBI) Program.

b2

B.3 PRICES/COSTS

The contractor shall provide services at the pricing as follows:

B.3.1 BASE YEAR - NINE (9) MONTHS

<u>CLIN</u>	<u>DESCRIPTION</u>	<u>PRICE</u>
0001	(S) [REDACTED]	

b1

0002	(S) [REDACTED]	
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(X) Derived from: ~~FBI Classification Guide 3~~
~~Dated 1/6/97~~
~~Declassify on: X1~~

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

~~SECRET~~

830/02 2
CLASSIFIED BY: SP5/JC/KOB
REASON: 1.5

XXXXXX
XXXXXX
XXXXXX

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

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Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

(b)(1)

(b)(7)(A)

(d)(5)

(b)(2)

(b)(7)(B)

(j)(2)

(b)(3)

(b)(7)(C)

(k)(1)

(b)(7)(D)

(k)(2)

(b)(7)(E)

(k)(3)

(b)(7)(F)

(k)(4)

(b)(4)

(b)(8)

(k)(5)

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(b)(9)

(k)(6)

(b)(6)

(k)(7)

Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.

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Document 18, page 4

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JUSTIFICATION FOR OTHER THAN
FULL AND OPEN COMPETITION

~~SECRET~~

[REDACTED]

(S)

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[REDACTED]

(S)

b1

[REDACTED]

[REDACTED]

(S)

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Notice of this proposed contract action will not be submitted for publication because the synopsis cannot be worded to preclude disclosure of the FBI's needs and such disclosure would compromise the national security through the foreseeable public disclosure of classified information. (Pursuant to Part 5.202(a)(1) of the Federal Acquisition Regulation.)

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FEDERAL BUREAU OF INVESTIGATION
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Section 552

Section 552a

(b)(1)

(b)(7)(A)

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(b)(3)

(b)(7)(C)

(k)(1)

(b)(7)(D)

(k)(2)

(b)(7)(E)

(k)(3)

(b)(7)(F)

(k)(4)

(b)(4)

(b)(8)

(k)(5)

(b)(5)

(b)(9)

(k)(6)

(b)(6)

(k)(7)

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Contained in FBI's document.

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JUSTIFICATION FOR OTHER THAN
FULL AND OPEN COMPETITION

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9. OTHER FACTORS:

The terms and conditions of the agreement will provide for confidentiality, assignment of proprietary rights and indemnification.

10. LISTING OF THE SOURCES THAT EXPRESSED A WRITTEN INTEREST IN THE ACQUISITION.

No sources were given the opportunity to express a written interest in this acquisition.

11. ACTIONS TAKEN TO REMOVE/OVERCOME BARRIERS TO COMPETITION:

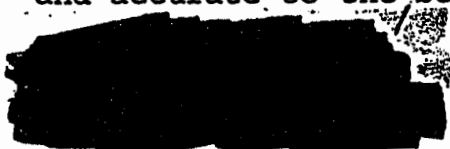
As stated above in Items 5 and 6, the unacceptable risk of exposure to all CID and NSD  operations, which would result from competitive-bid solicitations, and the sensitive circumstances of the initial contract for a feasibility study, dictate that the absence of competition is warranted. b1

Should the feasibility study result in implementation, consideration will be given to whether portions of the performance contract can be competitively bid on a limited basis.

12. CERTIFICATIONS:

TECHNICAL SPECIALIST CERTIFICATION:

As the Technical Representative of this requirement, I hereby certify that all information contained herein is complete and accurate to the best of my knowledge.

 b7c
6/13/00
Date

Contracting Officer's
Technical Representative

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