



**JUSTIFICATION FOR EXCEPTION TO FAIR OPPORTUNITY**

**BRAND NAME: FAR 16.505(a)(4) and 16.505(b)(2)(ii)**

**J&A-21-00200**

**1. Agency and Contracting Activity.**

The Department of Homeland Security, U.S. Immigration and Customs Enforcement, Office of Acquisition Management, prepared this justification for an exception to fair opportunity on behalf of Homeland Security Investigations (HSI), Office of Intelligence (INTEL).

**2. Nature and/or description of the item/service being procured and anticipated cost:**

(a) Type of action: Firm-fixed price contract

(b) Amount the current J&A is justifying:

(c) Brief Description: OAQ intends to procure brand-name ShadowDragon SocialNet licenses through the DHS First-Source II IDIQ contract. Although, it is offered by multiple authorized resellers, the company listed below is the only developer of this particular brand-name software.

ShadowDragon Federal, LLC  
1505 E. 16<sup>th</sup> St.  
Cheyenne, WY 82001

ShadowDragon SocialNet  
Part Number: SD-FED-SocNet-250-MaltegoBundle

**3. Description of Supplies/Services.**

HSI-INTEL has a requirement on a brand-name basis to purchase ShadowDragon SocialNet cyber investigation tools as described in the table below. ShadowDragon develops cyber intelligence solutions that provide threat-related information to organizations, enabling them to stop and attribute targeted actions of malicious actors in the physical or digital world. These solutions are achieved through monitoring and analyzing data from proprietary threat databases, the internet, and the dark web. ShadowDragon is used by hundreds of private businesses, intelligence and law enforcement organizations globally. SocialNet is a unique interactive data mining tool that renders directed graphs for link analysis. The results are visualized in minutes to reveal detailed 1 to 1 correlation as well as larger networks of associates.

Required features include:

- Fast, and reliable visualization of people's profile information and relationships
- Search 100+ social networking sites and other account based online entities.
- Visualize 1 to 1 correlations as well as multiple relationships and networks of people into the 1000s of records.
- Reliable and accurate results
- Data collection/query methodology that is continually updated.



**JUSTIFICATION FOR EXCEPTION TO FAIR OPPORTUNITY**

**BRAND NAME: FAR 16.505(a)(4) and 16.505(b)(2)(ii)**

Part Number	Description	Quantity	Unit Price	Total Price
SD-FED-SocNet-250-MaltegoBundle	SocialNet Identity Management Secured Link Analysis Bundled With Maltego Classic - (b)(4) Queries/Day 12 Month Subscription Period of Performance: 9/7/2021 – 9/6/2022	(b)(4)		\$624,000.00.

**4. Statutory Exception and rationale for its use:**

Exception:

Pursuant to 41 U.S.C. 4106(c)(2) as implemented by FAR 16.505(a)(4) the brand name items/items peculiar to one manufacturer are essential to the Government’s requirements and market research indicates other companies’ similar products, or products lacking the particular feature, do not meet, or cannot be modified to meet, the agency’s needs.

Rationale:

OAQ intends to procure a brand name specification for ShadowDragon SocialNet in accordance with FAR 16.505(a)(4) based on the statutory exception listed above. HSI-INTEL conducted market research on the following alternate products: Fivecast Onyx, Babel Street Babel X, and Geofeedia. The results of the market research indicate that these products are similar, but lack required features available in the ShadowDragon tool. The Fivecast Onyx product only offers 25 social media sources. The ShadowDragon tool offers 100+. The Babel Street and Geofeedia options both lack access to FaceBook and Twitter. The ShadowDragon SocialNet tool offers access to both social media platforms. Persistent access to Facebook and Twitter provided by ShadowDragon SocialNet is of the utmost importance as they are the most prominent social media platforms.

ShadowDragon SocialNet is the only product that meets the agency’s requirement for access to the widest publicly available social media data. The unique insights obtained by linking social media profiles from across the internet provides the most comprehensive network analysis possible through open-source data. No other product examined offers the required level of comprehensive access to public social media data.

**5. Pre-award synopsis of this Brand Name JEFO exceeding \$30,000: Select one (1) of the options below:**

- ICE intends to provide this justification and supporting documentation along with the solicitation to all contract awardees pursuant to FAR 16.505(a)(4)(iii)(A)(2).
- ICE does not intend provide this justification and supporting documentation along with the solicitation to all contract awardees pursuant to a synopsis exception under FAR 16.505(a)(4)(iii)(C). The ICE/HSI/INTEL mission is conducting criminal investigations that protect the United States against terrorists and criminal organizations that threaten our safety and national security; to combat transnational criminal enterprises that seek to exploit America’s legitimate trade, travel, and financial systems; and to uphold and



**JUSTIFICATION FOR EXCEPTION TO FAIR OPPORTUNITY**

**BRAND NAME: FAR 16.505(a)(4) and 16.505(b)(2)(ii)**

enforce U.S. customs and immigration laws at and beyond our nation's borders. The ShadowDragon's program enables ICE INTEL to effectively leverage Dark Web information from public records searches, web searches, geolocations searches and social media sites, SocialNet will return results in real time that supports mapping social media connections to uncover aliases, associates and gather inferences of lifestyle and physical location of threats. Any publication, announcement, or disclosure of this procurement action would create a security risk by being detrimental to the safety of agents and would severely endanger the efficiency of operations. Publishing this procurement and the information gained through ShadowDragon would unveil descriptions and techniques used by ICE INTEL that can lead to or tip off person(s) of interest and expose vulnerabilities within the software, which creates a security risk by jeopardizing cases, data integrity, and the future use of this servicing subscription during INTEL's investigative process. Therefore, the synopsis and justification cannot be worded to preclude disclosure of an agency's needs and such disclosure would create a create a security risk.

Not applicable. The dollar value of this J&A is less than \$30,000.

**6. Determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.**

The contracting officer determines that the anticipated price(s) will be fair and reasonable based on price competition. This will be competed on DHS First Source II and it is anticipated that multiple offers will be received from the vendors on DHS First Source II. Additionally, the pricing will be compared to the Independent Government Cost Estimate (IGCE) which was derived by querying several re-sellers and averaging their pricing.

**7. Any other facts supporting the justification.**

None.

**8. A statement of the actions, if any, the agency may take to remove or overcome any barriers that led to the exception to fair opportunity before any subsequent acquisition for the supplies or services is made.**

ICE will continue to monitor available products to determine if alternate products will satisfy future requirements. However, to increase competition, OAQ will seek and solicit as many authorized resellers of the ShadowDragon SocialNet tool as possible.

**9. Post-award publishing of this Brand Name JEFO, after the order has been placed. Select one of the items below if this JEFO exceeds \$250,000 (simplified acquisition threshold):**

ICE intends to post this JEFO on System for Award Management (SAM) with the solicitation pursuant to FAR 16.505(b)(2)(ii)(D).

ICE does not intend to post this JEFO on System for Award Management (SAM) with the solicitation pursuant to FAR 16.505(b)(2)(ii)(D)(5). In accordance with FAR



**JUSTIFICATION FOR EXCEPTION TO FAIR OPPORTUNITY**

**BRAND NAME: FAR 16.505(a)(4) and 16.505(b)(2)(ii)**

---

16.505(b)(2)(ii)(D)(5), the posting requirement does not apply to small business set asides under paragraph 16.505(b)(2)(i)(F). FirstSource II is a suite of indefinite delivery/indefinite quantity (IDIQ) contracts for IT commodity products and solutions that will enable the DHS to accomplish its mission objectives. This requirement is a 100% Small Business HUBZone Set-Aside.

- Not applicable. The dollar value of this J&A does not exceed \$250,000.