JUSTIFICATION FOR OTHER THAN FULL AND
OPEN COMPETITION (OTFAOC)

Federal Acquisition Regulation (FAR) Part 6 Justification & Approval (J&A), Supporting Procurements under FAR Part 12, and FAR Part 15

Purchase Request Number: HC10902200006002
Contract Number: TBD
Task/Delivery Order Number: N/A
Procurement Title: Dataminr, Inc. First Alert V2 Software Licenses ████████████████
████████)
Estimated Value: ████████
Statutory Authority: 10 U.S.C. 2304(c)(1)

Justification for OTFAOC Number: __N/A__

Upon the basis of the following justification, I, as Contracting Officer, hereby approve the use of other than full and open competition of the proposed contractual action pursuant to the authority of 10 U.S.C. 2304(c)(1).

1. REQUIRING AGENCY AND CONTRACTING OFFICE:

Requesting Agency:
████████████████████████████
███████

P.O. Box 27800
Washington, District of Columbia 20038

Contracting Activity:
Defense Information System Agency (DISA)/Defense Information Technology
Contracting Organization (DITCO)/PL63
6914 Cooper Avenue
Fort George G. Meade, Maryland 20755

2. NATURE/DESCRIPTION OF ACTION(S):

This action is to procure 30 new brand-name, commercially available off-the-shelf (COTS) Dataminr, Inc. First Alert V2 software licenses for non-Department of Defense (DoD) civilian personnel on the ██████ Watch floor. The procurement will be awarded as a Firm-Fixed Price (FFP) contract to the original equipment manufacturer (OEM), Dataminr, Inc., or an authorized reseller of Dataminr, Inc., utilizing the Governmentwide Point of Entry (GPE), www.sam.gov. The requested date of delivery is 30 days after award. Fiscal Year 2022 Operations & Maintenance (O&M) funding will be provided by Military Interdepartmental Purchase Request number HC1085233167.

The applicable North American Industrial Classification code is 541519 – Other Computer Related Services, (IT Value Added Resellers). The total estimated value of the proposed action is ████████

3. DESCRIPTION OF SUPPLIES/SERVICES:

Dataminr, Inc. First Alert V2 Software is a COTS content management system designed as a real-time artificial intelligence (AI) for event and risk detection. The software detects first signals of high-impact events and likely risks with insightful, actionable data. Dataminr, Inc. First Alert V2 software monitors over 200,000 public information sources and provides customizable content and various delivery options. The Government is seeking to procure 30 software licenses via FFP contract. No options shall be included in this contract action. The licenses are provided with a 12-month period of performance from the date of delivery, and the lifecycle cost of this procurement is approximately ████████ .

The Dataminr, Inc. First Alert V2 software features include audience segmentation, incident & reputation management, configurable alerts, and analytics. The tool has over 20 advanced features but the specific features unique only to the Dataminr, Inc. First Alert V2 software and paramount to the Government's requirement are Configurable Alerts, Event Management, Reputation Management, and Response Management. Dataminr, Inc. First Alert V2 software will be utilized by ████████ as an incident detection solution to analyze and mitigate high-impact global events and risks. The proprietary AI technology utilized enables the tool to process data in multiple formats such as text, images, videos, audio, and public Internet of Things (IoT) sensor data. Dataminr, Inc. First Alert V2 software tracks more than 200,000 public information sources, more than any other brand of software in the marketplace. Sources include social media platforms such as Twitter, Reddit, IoT sensor data, audio transmissions, and the dark web.

████████ requires the unique capability to tailor alerts by priority level, topic, and national security concerns using the Configurable Alerts feature. This allows alerts for events such as criminal activity, and airplane transponder signals (ADS-B Signals). The ADS-B tracked signals provide real-time time-series data for about 150,000 flights within a 24-hour period, at a rate of hundreds of data points every second. A January 2020 U.S. mandate requires that all aircraft operating in a controlled airspace adopt the ADS-B standard to broadcast their real-time position, identification, altitude, as well as vertical and horizontal speed. The Dataminr, Inc. First Alert V2 platform consumes tens of millions of data points per day produced by aircraft and aircraft operators worldwide. These inputs include data from radar, ground, and space-based ADS-B receiving stations (latitude and longitude, airplane identification, vertical and horizontal speed) and International Civil Aviation Organization (ICAO) flight plans containing origination, route, planned destination, etc. Dataminr, Inc.'s platform uses AI to detect anomalies in the time-series data ranging from a plane that diverts from its scheduled route to a plane exhibiting sharp and unexpected shifts in altitude or course. The Dataminr, Inc. tools uses AI methods that range from statistical event modeling to deep learning and machine learning, for anomaly detection.

4. IDENTIFICATION OF STATUTORY AUTHORITY: Only one responsible source and no other supplies or services will satisfy agency requirements, 10 U.S.C. 2304(c)(1).

5. DEMONSTRATION OF CONTRACTOR'S UNIQUE QUALIFICATIONS: The basis of the brand-name determination is that Dataminr, Inc.'s First Alert V2 software and support is the only system capable of meeting the below Government requirements. While the Government has

reviewed alternative systems to determine if they are capable, Dataminr, Inc. is the only system capable of meeting the Government's needs.

Furthermore, Dataminr, Inc's First Alert V2 software and support is proprietary and is available from only the existing OEM or its authorized resellers. The OEM for the applicable software support does not authorize any third-party software modifications or patches to their software. Existing product OEM own the copyrighted source software, with all legal rights, privileges, and ownership contained therein. No other source may legally modify or change the software, nor would they have access to the source code to do so, due to copyright and patent law protections.

   (a) Description of events.

      (1) The military and DoD civilian personnel ██ ██ █████ currently utilize Dataminr's First Alert V2 software licenses via Air Force Enterprise contract FA701421C0024.

      (2) Responses to a Request for Information to identify different alert/notification and event detection platforms produced ██ separate brands of software. After review of the responses, it was determined that only Dataminr, Inc.'s First Alert V2 system is capable of meeting the Government's needs.

   (b) Justification.

      (1) Minimum Government requirements.

         (a) A web-based incident detection solution to analyze and mitigate high-impact global events and risks that can be accessed via personal computer.
         (b) Algorithms with increasing alert speed and accuracy rates which provides a signal-to-noise ratio that results in only the alerts of interest being delivered.
         (c) Utilization of AI methods such as statistical event modeling, deep learning, and machine learning for anomaly detection.
         (d) Capability to tailor alerts by priority level, topic, and national security concerns.
         (e) Ability to use Twitter as a source for providing event detection designed for the public sector.
         (f) Ability to pull publicly available information from multiple sources, including Twitter, Reddit, dark web, IoT sensor data, and audio transmissions, and in multiple formats, such as text, images, videos, audio, and public IoT sensor data; evaluate content to detect emerging events as they are developing and push alerts to users based on user-defined criteria.
         (g) Capability to distribute alerts/notifications in near real-time or real-time via email, web-based application, and/or mobile platforms.
         (h) Provide user support, training, and enablement services for deployment and adoption of the product's full range of capabilities.
         (i) Allows alerts for events such as criminal activity, and airplane transponder signals (ADS-B Signals). These inputs include data from radar, ground, and space-based ADS-B receiving stations (latitude and longitude, airplane identification, vertical

and horizontal speed) and ICAO flight plans containing origination, route, planned destination, etc.

    (j) Use AI to detect anomalies in the time-series data ranging from a plane that diverts from its scheduled route to a plane exhibiting sharp and unexpected shifts in altitude or course.

(2) Proposed sole source contractor.

    (a) Dataminr, Inc. or its authorized resellers.

    Dataminr, Inc. First Alert V2 software and support is proprietary and is available from only the existing OEM or its authorized resellers. OEMs for applicable software support do not authorize any third-party software modifications or patches to their software. Existing product OEMs own the copyrighted source software, with all legal rights, privileges, and ownership contained therein. No other source may legally modify or change the software, nor would they have access to the source code to do so, due to copyright and patent law protections.

    The Dataminr, Inc. First Alert V2 software includes audience segmentation, incident & reputation management, configurable alerts, and analytics as part of its software system. Unique only to the Dataminr, Inc.'s First Alert V2 software and paramount to the Government's requirement are its configurable alert capabilities by priority level, topic, and national security concerns. Dataminr, Inc.'s First Alert V2 software will be utilized by ██ ██ as an incident detection solution to analyze and mitigate high-impact global events and risks. The proprietary AI technology utilized enables the tool to process data in multiple formats such as text, images, videos, audio, and public IoT sensor data from more than 200,000 public information sources, more than any other brand of software in the marketplace. Furthermore, the unique ability to detect criminal activity and anomalies in ADS-B signals is essential for advanced incident detection.

(3) Discussion regarding cause of the sole source situation.

    The ████ Watch Floor currently utilizes Dataminr, Inc.'s First Alert V2 software licenses via Air Force Enterprise contract FA701421C0024 for their military and DoD civilian personnel. As the ████ Watch Floor team also includes members of the ████████████████ support staff, who are non-DoD civilian personnel, the new licenses being procured will allow those personnel access to the same resources that are currently being utilized by the military and DoD civilian personnel.

(4) Impact.

    Should ████ not able to secure Dataminr, Inc. First Alert V2 software licenses and support, ████ will not have all its ████ support staff with the same toolset for duty performance on the Watch Floor, putting the ████ without a fully operational support staff. Ultimately, this becomes a potential risk to national security.

6. GOVERNMENTWIDE POINT OF ENTRY ANNOUNCEMENT/POTENTIAL SOURCES:

In accordance with DFARS PGI 206.302-1, a Request for Information was posted to the GPE (www.sam.gov) on May 18, 2022 for 30 days. The Government received ██ responses; specifically ██ brands of alert notification and event detection software platforms.

7. DETERMINATION OF FAIR AND REASONABLE COST: As part of its May 2022 RFI, the Government requested budgetary pricing to identify a rough order of magnitude (ROM) for 50 user licenses of this type of software in the current marketplace. The ROM showed prices annually for 50 user licenses ranged from ██████████████████████. The wide range of prices correlated with the capabilities provided. Dataminr, Inc.'s First Alert V2 software solution came in at ████████████████████, which when scaled down for 30 licenses results in an estimated price of ████████████████. The independent Government cost estimate utilizes the vendor's ████████████████████ and includes an inflation rate of ████ to correspond with the latest Consumer Price Index rate increase. The Government will utilize price analysis techniques as defined by FAR 15.404-1(b) to determine the pricing fair and reasonable for the Dataminr, Inc.'s First Alert V2 software licenses.
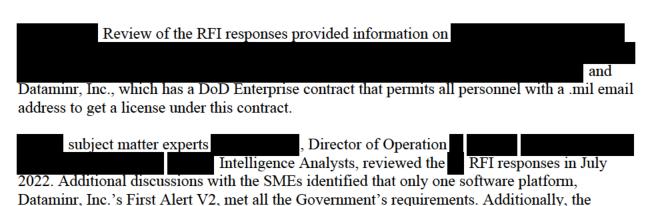
8. MARKET RESEARCH:

Market research included discussions with persons knowledgeable in procuring software licenses and persons knowledgeable regarding the commercial nature and standard industry practices for this requirement, a search of the DISA Market Research Repository, a review of recent market research results, publication of a formal request for information, a review of EDA for relevant contracts, a review of generally available product information and a review of existing DISA-wide and DoD multiple award contract vehicles. Initially, a keyword search using www.google.com for the terms: "first alert software" and "event detection software" was conducted in April 2022. Five products were found during the search: ██████████████████ ████████████████████████████████. Additionally, a Market Research Request for "First Alert and Event Detection software licenses" was posted on National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) on April 14, 2022 for four business days. This request returned no results.

In accordance with DFARS PGI 206.302-1(d), a Request for Information (RFI) for a COTS Alert/Notification and Event Detection software platform with individual use licenses was published on www.sam.gov on May 18, 2022. The RFI included the Government's nine technical requirements as well as what information the Government requested for vendors to provide. Twenty-four questions were submitted by vendors, with the Government providing answers via an Amendment to the www.sam.gov posting on June 8, 2022. ████████ submissions were received in response to the RFI.

The responses included ██ brands of alert/notification and event detection software platforms available through multiple Government-Wide Acquisition Contracts (GWACs). Those brands included: ██ ██

████████████ Review of the RFI responses provided information on █████████████████████ ██ and Dataminr, Inc., which has a DoD Enterprise contract that permits all personnel with a .mil email address to get a license under this contract.

████████ subject matter experts ████████████, Director of Operation█ ██████████████ ████████████████ Intelligence Analysts, reviewed the ██ RFI responses in July 2022. Additional discussions with the SMEs identified that only one software platform, Dataminr, Inc.'s First Alert V2, met all the Government's requirements. Additionally, the requirement was able to be reduced by 20 licenses, as all military and civilian personnel of the ██████ Watch Floor would be able to request individual use licenses for no additional cost using the DoD Enterprise contract with Dataminr, Inc.

Based on current market research, dated April through July 2022, it has been determined that only the aforementioned brand-name product and/or product support, Dataminr, Inc. First Alert V2 software licenses, can fully support the Government's need. No competitor functional replacement products exist in the market at this time to meet the Government's need. The Government will continue to conduct market research to determine if there are changes in the marketplace that would enable future competitive actions; *e.g.,* there are similar products and/or product support in the marketplace that provides the same functionality, the original equipment manufacturer releases ownership rights of product, or it is economically feasible to procure a new system.

9. ANY OTHER SUPPORTING FACTS: Dataminr, Inc. successfully detects global events by processing billions of public data inputs per day in a wide range of formats and from over 200,000 distinct, publicly available data sources. These data inputs include text, images, video, and sound. The product is used widely by large news originations and Government agencies, including an Air Force Enterprise contract for DoD personnel for Dataminr, Inc. software licenses and support.

Dataminr, Inc. has a proven and widely used capability to provide Natural Language Generation techniques to generate a textual description that summarizes an event as an alert. This provides an easily readable and understandable summary of the anomaly. This description is written automatically by Dataminr, Inc.'s AI platform in a matter of milli-seconds — leveraging the known features extracted from the signal and converting these features into text phrases that are stitched together into a cohesive human-understandable sentence.

10. LISTING OF INTERESTED SOURCES:

Based on the results of the above research, the following sources were identified:

Contractor Name	Business Category	Vehicle Type
Dataminr, Inc.	Other than small	Open Market

11. ACTIONS THE AGENCY MAY TAKE TO REMOVE OR OVERCOME BARRIERS THAT LED TO THE EXCEPTION TO FULL AND OPEN COMPETITION: (FAR 6.303-2(b)(11))

(a) Procurement History. Dataminr, Inc. First Alert V2 software licenses have not been previously procured by ██████ However, DoD personnel currently assigned to the ██████ Watch Floor can utilize an Air Force Enterprise contract with Dataminr, Inc. to get an individual use license.

(b) Only the aforementioned brand-name product and/or product support, Dataminr, Inc. First Alert V2 software licenses, can fully support the Government's need. No competitor functional replacement products exist in the market at this time to meet the Government's need.

If the OEM elects to surrender their legal ownership, copyright, and/or intellectual property software rights and move toward providing an open-source solution for the products being renewed under individual procurements, then DISA will seek open competition. Regardless, the Government will continue to search the marketplace, and alternative software solutions will continually be researched to determine if alternative solutions exist. If the Government should determine that the previously acquired brand name products are no longer required, the Government will seek a competitive acquisition approach for the required functionality. At that point, every effort will be made to provide for competition to the maximum extent practicable, based on new technologies that will support mission partner needs.

TECHNICAL CERTIFICATION: I certify that the supporting data under my cognizance which are included in the J&A are accurate and complete to the best of my knowledge and belief.

NAME: Daniel Snopek   SIGNATURE: See separate signature page

TITLE/ORGANIZATION: Acquisition Program Manager / ██████

PHONE: 202-456-9421   DATE:

REQUIREMENTS CERTIFICATION: I certify that the supporting data under my cognizance which are included in the J&A are accurate and complete to the best of my knowledge and belief.

NAME: Daniel Snopek   SIGNATURE: See separate signature page

TITLE/ORGANIZATION: Acquisition Program Manager / ██████

PHONE: 202-456-9421   DATE:

CONTRACTING OFFICER CERTIFICATION: I certify that this justification is accurate and complete to the best of my knowledge and belief. Since this effort exceeds $250K but does not exceed $700K, this certification serves as APPROVAL.

NAME: Todd Nace   SIGNATURE: See separate signature page

TITLE/ORGANIZATION: Contracting Officer / DISA/DITCO-NCR/PL63

PHONE: 301-225-4166   DATE:

ALL QUESTIONS REGARDING THIS JUSTIFICATION ARE TO BE REFERRED TO Robin Schuster, robin.n.schuster.civ@mail.mil, 301-225-4519.