

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

VINCENT C. GRAY
MAYOR



LISA MARÍA MALLORY
DIRECTOR

**DETERMINATION AND FINDINGS
FOR A
SOLE SOURCE PROCUREMENT**

CONTRACT NO:

CAPTION: UI - JusticeXchange

PROPOSED CONTRACTOR: Appriss

PROGRAM AGENCY: Department of Employment Services (DOES)

FINDINGS

1. AUTHORIZATION:

D.C. Official Code §2-354.04, 27 DCMR 1304 and 1700

2. MINIMUM NEED:

The Office of Contracting and Procurement, on behalf of the Department of Employment Services (DOES) and the Office of Information Technology, has a need for near real-time access to vital records and a national jail database, which gives instant access to information about current and former offenders held in county jails and prisons throughout the nation. The information includes but is not limited to biographical data about the offender, charges, photographs, and behavioral reports. The DOES Unemployment Insurance program requires access to reduce fraud and verify whether or not a:

- claimant's social security information is valid and does not belong to a deceased individual
- claimant is incarcerated and claiming/receiving benefits.

3. ESTIMATED REASONABLE PRICE:

\$46,000.00

4. FACTS WHICH JUSTIFY SOLE SOURCE PROCUREMENT:

The States of Mississippi and Tennessee have sole sourced procurements to Appriss to fulfill the minimum requirements listed above; specifically, implementing a scheduled cross-match of unemployment benefits recipients with Appriss' near real-time

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JusticeXchange jail data. The fact is that currently, no other firm has data as near real-time as Appriss.

This is further supported by the fact that over the past several years, there have been several state-level procurements attempted for services similar to JusticeXchange. The documented results of these procurement efforts continue to demonstrate that a national near real-time data network is only available today through Appriss. A market survey was conducted that has documented the attempts to seek competitive procurement and the results of each process.

Arkansas- This was the first state to use the Appriss Data Network for law enforcement and launch JusticeXchange. Their project was funded by the Department of Justice under the

COPS program. The COPS office approved the sole source procurement of JusticeXchange in 2002, 2003, and 2004. Each year, the DOJ required further justification of the sole source requirement, and each time, the decision to sole source was approved. Once the Department of Justice approved these sole source procurements, the Arkansas state purchasing division did its own review and reached the same conclusion that Appriss was the sole provider able to deliver a near real-time national network of jail data.

Washington-The Washington Association of Sheriffs and Police Chiefs (WASPC) developed a statewide Jail Booking Repository known as JBRS. The agency used a Department of Justice COPS grant to build the repository but did not have a solution for collecting the data from the jails in Washington. After a national search of options, WASPC sole sourced procurement to Appriss for integrating the JusticeXchange national jail network into the JBRS program as the data source for their law enforcement users.

Utah- The state of Utah began building a statewide integrated justice portal to gather a wide variety of Utah criminal justice information, so that a law enforcement agency could perform a single query about a person and see all of the information available in the various criminal justice systems throughout the state. They did not have a way to extract information from the 29 county jails, because they all used stand-alone information systems. In 2004, Utah sole sourced the procurement for this component of their program to Appriss. By integrating JusticeXchange into the Utah integrated justice portal, they were able to get real-time information from all of the Utah jails, as well as thousands of other jails outside of Utah. It was determined by Utah that only Appriss had a network deployed within the state to deliver this local jail data.

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Kentucky- The Kentucky Department of Corrections has used the VINE program since 1996, and in 2004, they decided to purchase a service, so law enforcement agencies in Kentucky could search for offenders housed in their county jails. Due to state procurement guidelines, the Department was required to do a competitive bid process. The procurement process was widely advertised but resulted in only one other company besides Appriss to respond. The company was a small computer company in Tennessee with no existing data network into Kentucky jails or any other. The second company was disqualified as non-compliant, and the award was made to Appriss.

Texas- The Texas Department of Homeland Security issued a major procurement for a jail information sharing program in May of 2005. This procurement described a system that could share local jail data from 65 percent of the local jails in Texas plus another 800 local jails on a national basis. While many companies looked at this procurement, Appriss and Northrup Grumman were the only companies to submit bids on the project. After a review, it was determined that Northrup Grumman did not have an existing real-time network of jail data in Texas or outside of the state to offer. Based on this fact, Northrup Grumman was judged non-responsive, and Appriss was selected for the project. Due to the size of this project, any vendor capable of providing the information would surely have bid the project.

Appriss' JusticeXchange is unique because the Appriss data network extends to thousands of local jail facilities across the country. The network currently processes over 60 million transactions each month regarding the movement of offenders through these facilities. It has been built over the past 18 years and currently extends into 47 states, covering 87 percent of the nation's state and local inmate population. This represents more than 1.4 million local offenders on any given day that are moving in and out of custody. Our research has validated that there is no other near real-time national network of jail data in existence. This same data network has been judged to be exclusive by the US Department of Justice when it was selected by the Department of Justice, Office of Federal Detention Trustee (OFDT). This agency contracted with Appriss to use this data network to provide real-time information about available bed space in local jails currently on the network. It is the only near real-time source for local jail information they are using. Another data source that makes the JusticeXchange service unique is pseudoephedrine purchases. The pseudoephedrine purchases are collected through the National Precursor Log Exchange (NPLEx) program that Appriss also owns. This data is then made available to law enforcement users and contains purchasers' names, addresses, date of births and id information. This is a unique data source that law enforcement can use in addition to the booking data to track down wanted individuals.

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The technology used for Appriss' core solution (VINE) is proprietary to Appriss and is protected under a US Patent. The patent covers 38 different patent claims under US Patent No: 5,861,810. This patent is titled "System and method for providing crime victims updated information and emergency alert notices". It is this patented core technology that is found in the data network that feeds the JusticeXchange program.

In consideration of the above, a market survey was conducted and it was determined that there is currently no other known source that can provide this service, and if Appriss or the JusticeXchange service were no longer available, this tool could no longer be offered to law enforcement to protect the District residence.

5. CERTIFICATION BY AGENCY HEAD:

I hereby certify that the above findings are true, correct and complete.

Date

Lisa Mallory
Director, Department of Employment Services

6. CERTIFICATION BY CONTRACTING OFFICER:

I have reviewed the above findings and certify that they are sufficient to justify the use of the sole source method of procurement under the cited authority. I certify that the notice of intent to award a sole source contract was published in accordance with Section 404(c) of the District of Columbia Procurement Practices Reform Act of 2010 (D.C. Official Code §2- 354.04) and that no response was received. I recommend that the Chief Procurement Officer approve the use of the sole source procurement method for this proposed contract.

Date

Maryann Carroll
Contracting Officer

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DETERMINATION

Based on the above findings and in accordance with the cited authority, I hereby determine that it is not feasible or practical to invoke the competitive solicitation process under either Section 402 or 403 of the District of Columbia Procurement Practices Reform Act of 2010 (Law 18-371; D.C. Official Code § 2-354.02 or 2-354.03). Accordingly, I determine that the District is justified in using the sole source method of procurement

Date

James D. Staton, Jr.
Chief Procurement Officer