Notice of Intent to Award a Single Source Procurement

Subject: Facial Recognition Software

Date: December 23, 2019          Document Number: 2020-34

Written Response Due: January 2, 2019
Time: 9:00 AM. EST
E-mail Address: jenna_albers@davie-fl.gov

Fax Number: 954-797-1049

This is not a Request for Proposals and there is no solicitation available. The proposed contract action is for product or services for which the Town intends to negotiate and award with only one source under the authority of the Town of Davie, Purchasing Manual Section 5 and State of Florida Statute 287.057(5)(3)(c). Any responses received as a result of this Notice of Intent shall be considered solely for the purpose of determining whether to conduct a competitive procurement. Responses will not be considered as proposals, bids, or quotes.

The Town of Davie, Florida intends to negotiate single-source procurement for facial recognition software for the Police Department. The product includes three (3) user accounts/licenses, unlimited use and access to the proprietary research and database system, iPhone and desktop versions, as well as help-desk support. The Town would contract the procurement with Clearview AI for approximately $5,000.00 for a 12 month period.

Interested firms or individuals may identify their interest and capability to respond to the requirement by submitting in writing their name, address, point of contact, telephone number, email, and a statement regarding capability to provide the specified procurement. Interested firms will be considered only if they respond with clear and convincing documentation that they are capable of meeting or exceeding the requirements stated herein. All responses received within seven (7) calendar days after the date of publication of this synopsis will be reviewed by the Town. A determination by the Procurement Manager & sourcing Buyer not to compete this proposed action based on the responses to this notice is solely within the discretion of the Procurement Manager. Purchases over $25,000 will be forward to the Town Council for approval by resolution.

All responses must be in writing and returned to ATTN: Jenna Albers, Buyer Town of Davie 6591 Orange Drive Davie, FL 33314 by: Facsimile number 957-797-1049, e-mail jenna_albers@davie-fl.gov. Note the number of the Single Source Information inquiry on documentation.
Sole / Single Source Request Justification
(For Noncompetitive Purchases over $2,500)

WARNING: Per Florida Statutes 838.22(2) – It is unlawful for a public servant or a public contractor who has contracted with a governmental entity to assist in a competitive procurement to knowingly and intentionally obtain a benefit for any person or to cause unlawful harm to another by circumventing a competitive solicitation process required by law or rule through the use of a sole-source contract for commodities or services.

To: Budget & Finance / Purchasing Division:

Your approval is requested to initiate a sole/single source procurement action:

Requestor Name & Title: Edward Wong Sergeant

Requestor Dept./Division: Police Department

Phone Number: 954-683-8298 Requisition Number

Recommended Sole/Single Source procurement action with:

Company Name: Clearview AI

Contact Name: Richard Schwartz

Address: 15 West 72 St. - Suite 23-S

City, State, Zip: New York, NY 10023

E-mail: 

Telephone: 

Is the recommended company the manufacturer? ☑ Yes ☐ No

Does the manufacturer sell the item(s) through distributors? ☐ Yes ☑ No

If yes, please have manufacturer provide a list of all authorized distributors.

Describe the full scope of work contemplated including installation if required; items should include brand, model and part number if applicable.

Clearview AI provides access to and use of proprietary suite of research and investigative facial recognition technologies. Proposal is to provide 3 user accounts/licenses that include: unlimited use of Clearview’s proprietary research system, proprietary database, iPhone and/or desktop versions, and help-desk support.
Sole / Single Source Request Justification
(For Noncompetitive Purchases over $2,500)

October 3, 2019
Identify the date you need item delivered or work performed.

Type of Sole/Single Source (Check One) ☐ Sole Source ☑ Single Source

☑ One-Time: applies to a single requisition and purchase order for the current fiscal year
☐ On-Going: Applies to multiple purchases to be made for one year from date
Sole/Single Source approved.
Estimated Annual Expenditures for one year:

Is there a contract related to these services? ☐ Yes ☑ No If, yes has legal reviewed it? ☐ Yes ☑ No

SOLE/SINGLE SOURCE RATIONALE
Explain why the recommended company is the only company who can perform the requirement. Address the following: Are there any other companies who can do this job? What condition (e.g. technological superiority, or performance risks, etc.) exists so that the recommended company has a significant advantage over any other company who can do this job?

It is important to sufficiently address the major reason for conducting a noncompetitive procurement, avoiding peripheral issues which detract from the main reason and reduce the credibility of the justification. The rationale must be clear and convincing, avoiding generalities and unsupported conclusions. Use one or more of the following as applicable.

Use additional sheets if necessary.

A specific contractor is the only source of the required item because (check all that apply):

The required items are proprietary to the Contractor

A specific item is needed:
☐ to be compatible or interchangeable with existing hardware,
☐ as spare or replacement hardware,
☐ for the repair or modification of existing hardware, or
☐ for technical evaluation or test.
☑ Vendor is the original equipment manufacturer; there are no regional distributors.
Verification from manufacturer is attached
This is the only equipment that meets the specialized needs of the department and performs the intended function. Detailed justification is attached.

Vendor is the sole distributor that is restricted by the manufacturer to our territory. Verification from manufacturer is attached.

It is not possible to obtain competition (i.e., only one source is capable of supplying the items or meeting the requirements). In a brief explanation, provide supporting evidence for the conclusion; other sources considered should be identified and why they are not able to meet the requirements.

Clearview AI provides access to and use of a proprietary suite of research and investigative facial recognition technologies.

There is a substantial technical risk in contracting with any other contractor, thereby making that an unacceptable course of action (e.g., where only one contractor has been successful to date in implementing a difficult manufacturing process). In a brief explanation, provide supporting evidence of other contractor’s with relevant capabilities and emphasize their inability to overcome the substantial technical risk.

For support services effort, there is no reasonable expectation that a meaningful cost or other improvement could be made in the incumbent contractor’s performance (e.g., the...
chances of another firm winning a competition are clearly remote. *Please provide a brief explanation.*

**ACKNOWLEDGEMENT**

This section must be completed:

I am aware of the Town's requirements for competitive bidding for purchases over $2,500.00 and the criteria for justification for Single Source/Sole. I have gathered the required technical information and have made a concerted effort to review comparable/equal equipment (e.g., market research). I have attached the pertinent documentation showing what market research was conducted to preclude other items from consideration.

[Signature]

Requestor Signature

[Date]

10/3/19

Department Director Signature

[Date]

10/3/19

To be complete by Purchasing staff:

☐ The Town has advertised the above request on the Town's website in accordance with State of Florida Statute 287.057 and no challenges or protests were received. *

[Buyer: ___________________________]

[Date: ____________]

[Procurement Manager Signature: ___________________________

[Date: ____________]

*All requests for Sole/Single Source will be advertised on the Town’s website for a minimum of 7 days prior to approval from the Procurement Manager.*
Sole Manufacturer Statement

This statement is to confirm that Clearview AI, Inc. is the sole manufacturer and provider of the following combined suite of research and investigative technologies:

- Instant image-based searches via publicly available social media, online news articles, and other open sources
- Instant links to public online media and websites
- Proprietary image database and search engine
- Proprietary identification protocols
- Data-management functionalities

To the best of our knowledge, there is no other company that offers this product and set of capabilities.

Sincerely,

Clearview AI

Marko Jukic
From: Marko Jukic <mqi@clearview.ai>
Date: December 10, 2019 at 3:29:15 PM EST
To: Adam Granit <adam_granit@davie-fl.gov>
Subject: Re: Following up on our call re: Clearview

Adam,

Regarding Clearview's sole source designation: the core of our product is the combination of our proprietary database of over 3 billion records from the public web as well as our proprietary third party-tested 99%-accurate matching algorithm that allows you, the user, to sort one accurate match out of 3 billion in less than 5 seconds. This is the largest database of its kind in the world - for comparison, the FBI has about 400 million photo records (about 1/10th of what we have) which take weeks to access. There is simply no other product like this on the market that is commercially available to law enforcement, or, frankly, in the world, as far as we know. There are certainly other products that do some sort of FR or similar things, usually on an agency's existing databases, but there are no products with the combination of proprietary data, accuracy, and speed that allow you to reliably and accurately identify unknown individuals in seconds, over and over again, with Clearview. Not only does no one have the type and amount of data that we have, but no one has the algorithm that would be required to search it quickly, reliably, and accurately. Both of these unique technologies combined comprise the Clearview product. There is no other company that can provide you results from social media, news articles, online mug shot databases, and thousands of other publicly available sources with 99% accuracy in 5 seconds flat.

I hope this explains the sole source designation - every agency we have worked around the country with has accepted our sole source designation, whether local, state, or federal. I am happy to answer further questions for your procurement people regarding the sole source designation as well, if they need more info.

Best regards,

Marko Jukic
Clearview AI
(703) 939-2929
mqi@clearview.ai
Clearview AI
15 West 72 St. - Suite 23-S
New York, NY 10023

August 1, 2019

Davie Police Department
1230 S Nob Hill Rd
Davie, FL 33324

QUOTE

Clearview AI proposes to provide its proprietary technology to the Davie Police Department as follows:

Product: Clearview AI Technology, Database, and Investigative Toolkit
Quantity: 3 User Accounts
Duration: 12 months

Each User Account Includes:

- Unlimited Use of Clearview's Proprietary Research System
- Unlimited Access to Clearview's Proprietary Database
- iPhone and/or Desktop Versions of Clearview Program Available for Each User
- Help-Desk Support

Fee (All Inclusive - 3 Accounts for 12 months): $5000

If this quote meets your approval, please remit payment via check payable to Clearview AI and send check to:

Clearview AI
Attn: Richard Schwartz
15 West 72 St. - Suite 23-S
New York, NY 10023

Please Note: Search results established through Clearview AI and its related systems and technologies are indicative not definitive. Clearview AI, Inc. makes no guarantees as to the accuracy of its search-identification software. Law enforcement professionals MUST conduct further research in order to verify identities or other data generated by the Clearview AI system. Clearview AI is neither designed nor intended to be used as a single-source system for establishing the identity of an individual. Furthermore, Clearview AI is neither designed nor intended to be used as evidence in a court of law.