



**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
41 U.S.C. 3304**

J&A-25-0183

Pursuant to the requirements of the Competition in Contracting Act (CICA) as implemented by the Federal Acquisition Regulation (FAR) in accordance with the requirements of FAR 6.303-1. The justification for the use of the statutory authority under FAR Subpart 6.3 is based on the following facts and rationale required under FAR 6.303-2 as follows:

1. Agency and Contracting Activity.

The Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Office of Acquisition Management (OAQ), proposes to enter into a contract on behalf of Homeland Security Investigations (HSI), HSI Innovation Lab on a basis of other than full and open competition.

2. Nature and/or description of the action being approved.

- (a) Type of action: New, Firm-Fixed Price Purchase Order
- (b) Amount the current J&A is justifying: [REDACTED]
- (c) Brief Description: OAQ intends to procure, on a sole source basis, user licenses for Clearview Artificial Intelligence (AI) Facial Recognition software. The vendor listed below is the only company that can provide the required services.

Clearview AI, Inc.
214 W 29th Street # 2A-110
New York, NY 10001-5203

3. Description of Supplies/Services. Describe the supplies or services to be acquired. Provide the estimated total value (including options, if any).

U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), the largest investigative agency in the U.S. Department of Homeland Security (DHS), protects national security by enforcing the nation's immigration and customs laws. [REDACTED]

[REDACTED] law enforcement has witnessed a dramatic surge [REDACTED]

[REDACTED] Consequently, in many cases, the only information available to investigators about these unidentified suspects are [REDACTED] To effectively combat this growing threat, ICE/HSI urgently requires the procurement of facial recognition software to enhance investigative capabilities. The facial recognition software must be able to:

- [REDACTED]
- [REDACTED]



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• [REDACTED]

This software is required to maintain the HSI's abilities to [REDACTED] aid in ongoing criminal investigations and [REDACTED]. Additionally, facial recognition software is essential for HSI personnel tasked with conducting or supporting investigations aimed at identifying and apprehending individuals involved [REDACTED].

Period	Dates	Total
Base	[REDACTED]	[REDACTED]
Option 1	[REDACTED]	[REDACTED]
TOTAL		[REDACTED]

4. Identification of the authority.

The statutory authority permitting other than full and open competition is 41 U.S.C. §3304 as implemented by:

- ☒ FAR Subsection 6.302-1: Only one responsible source and no other supplies or services will satisfy agency requirements.

5. Demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited.

HSI personnel have utilized facial recognition technology to support ongoing criminal investigations being led, or jointly conducted by HSI, both domestically and abroad. Using facial recognition, combined with traditional investigative techniques has led [REDACTED]

Clearview AI is the manufacturer of Clearview AI Software as a Service (SaaS) that runs a facial recognition algorithm against the imagery housed within their data set to identify potential match results, or similar imagery, to the facial image being searched. Since June 2019, personnel from HSI have utilized Clearview AI's facial recognition technology to support ongoing criminal investigations being led, or jointly conducted by HSI, both domestically and abroad. Using Clearview AI, has led to criminal arrests and convictions and the [REDACTED]

Clearview's facial recognition software provides a unique level of detailed information of independently tested facial image search technology contained in a proprietary database of 50+ billion facial images, representing the largest and most comprehensive facial recognition database available. [REDACTED]



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[REDACTED]

Clearview AI is the sole provider of the following combination of functionalities, features, and services:

- [REDACTED] Facial recognition searches of publicly accessible online facial imagery for supporting official, authorized work of government agencies.
- **Source Attribution:** Providing facial images alongside links to the webpages where they originally appeared.
- **Advanced Compliance & Oversight Tools:** Tools to facilitate system oversight, compliance with user agency policies, auditing, sharing and reporting features.
- **Unified Platform:** A unified platform of identity management, allowing for customized gallery image enrollments, still image extraction, public online imagery access, and facial recognition capability.
- **Multi-Database Architecture:** The only solution offering integrated access to public internet imagery, shared agency selected galleries, and [REDACTED]

Clearview AI is uniquely positioned to meet the Government's requirements effectively and at the most competitive cost compared to procuring the required software through a reseller. Previous procurements for Clearview AI were sole source awards to Clearview AI as the sole manufacturer and distributor, but in the past year an authorized reseller of Clearview AI has been made available. A request for information was posted on the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V contract [REDACTED] responded with a market research quote. [REDACTED]

[REDACTED]

Without the ability to utilize Clearview AI it will significantly limit HSI's ability to support a broad range of investigations including identifying, locating, and apprehending suspects [REDACTED]

[REDACTED] Clearview AI is identified as the sole manufacturer of its proprietary facial recognition technology, making it the only responsible source capable of meeting the Government's requirements. The proprietary nature of Clearview AI's technology, combined with the lack of comparable alternatives supports the application of FAR 6.302-1.



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6. Description of efforts made to ensure that offers are solicited from as many potential sources as is practicable.

OAQ intends to publicize this requirement, prior to award, as required by subpart 5.2 by posting a notice of intent on sam.gov on August 6, 2025.

7. 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 comparison of previously awarded contracts for same/similar items. Additionally, the CO will request invoices from Clearview AI for sales to other federal agencies. These invoices will allow the CO to verify that the pricing offered to HSI is consistent with what has been charged to other Government customers for similar license counts and service levels.

8. Description of market research.

The Government conducted market research in July and August 2025 to evaluate potential alternatives to Clearview AI's facial recognition technology and to assess the availability of competitive sources. This research included a review of other facial recognition solutions, such as [REDACTED] to determine their suitability for HSI's operational requirements. [REDACTED]

Additionally, the Government posted a Request for Information (RFI) on the NASA SEWP V contract to identify potential vendors, including authorized resellers of Clearview AI, to determine if competitive pricing could be obtained for this proprietary software. The initial



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market research requested quotes from both Clearview AI and the NASA SEWP V contract for unlimited licenses to utilize Clearview AI's proprietary facial recognition software. This effort aimed to assess pricing and determine whether competitive sourcing through authorized resellers could provide cost savings or added value to the Government. The findings revealed [REDACTED]

Since the initial market research, HSI adjusted its operational requirements, reducing the license count [REDACTED] he initial findings remain unchanged. Procuring directly from Clearview AI as the OEM remains the most cost-effective and operationally efficient solution, [REDACTED]

9. Any other facts supporting the justification.

Not applicable.

10. A listing of the sources, if any that expressed, in writing, an interest in the acquisition.

[REDACTED]

A notice of intent to sole source was posted on SAM.gov on August 6, 2025. [REDACTED]

[REDACTED]

[REDACTED]

Clearview AI's patented technology and database size solidifies its position as a unique provider in the facial recognition market.



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11. A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for supplies or services required.

OAQ intends to make a redacted version of this justification publicly available pursuant to FAR 6.305 on www.SAM.gov, no later than 14 calendar days after award.

12. Contracting Officer's Certification.

I certify that the data supporting the recommended use of other than full and open competition is accurate and complete to the best of my knowledge and belief.

[Redacted Signature] [Redacted Date]

Contracting Officer Date

13. Technical/Requirements Personnel Certification.

I certify this requirement meets the Government's minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

[Redacted Signature] [Redacted Date]

Technical Representative/COR Date

14. Approval.

[Redacted Signature] [Redacted Date]

Competition Advocate Date