

**BCC Meeting:
July 8, 2020
Research Notes**

**Item No. 8F9
File No. 201021**

Researcher: MF Reviewer: PGE

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$283,000 FOR A MODIFIED TOTAL CONTRACT AWARD OF \$621,000 FOR CONTRACT NO. SS9737-1/23-1 FOR THE PURCHASE OF CELLEBRITE FORENSIC SYSTEM, SERVICE AND MAINTENANCE FOR THE MIAMI-DADE POLICE DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY EXTENSIONS OR CANCELLATIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize additional expenditure authority of \$283,000 under *Contract No. SS9737-1/23-1* for the purchase of software and hardware licenses for the Cellebrite Forensic System for the Miami-Dade Police Department (MDPD).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was heard at the Public Safety and Rehabilitation Committee (PSR) meeting of June 9, 2020 and forwarded to the BCC with a favorable recommendation.

ANALYSIS

The proposed resolution is requesting Board approval to increase spending in the amount of \$283,000 under *Contract No. SS9737-1/23-1*, Cellebrite Forensic System, Service and Maintenance, for the purchase of essential hardware and software licenses required to support the Uniform Forensic Extraction System used by the MDPD for investigative purposes. The Cellebrite Forensic System offers advanced technological capabilities to law enforcement investigators and analysts, enabling them to unlock complex mobile devices used during a crime. The system can recover and analyze encrypted data even on mobile devices that are damaged; the system also can recover passwords from most cellular phone brands. For law enforcement, the recovery of such data is a critical component of their investigations, as it guarantees high-level access to tracking people who are under investigation.

MDPD's Digital Forensic Unit (DFU) within the Crime Scene & Evidence Bureau is tasked with the identification, collection, prevention, and extraction of digital evidence found on electronic media such as cell phones and other portable electronic devices. Increasingly, examiners in the DFU are finding phones that have been encrypted and locked through biometrics, PIN codes, and/or passwords. The additional funds will be used to purchase the Universal Forensic Extraction Device premium package from Cellebrite. The package uses proprietary and confidential methods to attack and unlock iPhones and Android devices that have been protected through encryption and password locking. This will allow the DFU examiners to provide a full extraction on devices that were previously inaccessible and in turn provide investigators with the data requested to further their investigations. This package includes 20 unlocks, which will allow devices to be sent to the vendor for unlocking.

The increased spending authority will also be used to support the operations of the MDPD Real Time Crime Center and Fusion Center within the Homeland Security Bureau; the Centers are technologically advanced units that use numerous software applications to assist in their mission. To achieve their goals, the Cellebrite Analytics Enterprise Solution and hardware will be procured. The purchase of 10 licenses will allow for investigators and analysts to access the digital

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intelligence platform. This platform will allow them to analyze evidence quickly, view connections across various sources and huge volumes of digital data in a singular view, including text, images and geolocations which will allow them to see how it fits into the overall case more clearly and potentially solve more crimes.

Both of the packages to be purchased will be funded through the U.S. Department of Justice, Bureau of Justice Assistance, Officer Edward Byrne Memorial Justice Assistance Grant (JAG) Program. Table 1 shows a breakdown of the cost per package.

Table 1

UFED Premium Package Unlimited				
Fees				
Qty	Item Description	Item #	Unit Price	Extended Price
1	UFED Premium Package Unlimited	B-AIS-02-070	\$150,000	\$150,000
1	UFED Premium Unlimited iOS	U-AIS-02-063	\$0.00	\$0.00
1	UFED Premium Unlimited Android	U-AIS-02-065	\$0.00	\$0.00
20	CAS Unlock for Premium Package	U-AIS-02-100	\$0.00	\$0.00
				\$150,000
Cellebrite Analytics Package				
Fees				
Qty	Item Description	Item #	Unit Price	Extended Price
1	Dell T-440 Server	F-UFD-04-052	\$18,000	\$18,000
1	10 User License Analytics Enterprise System	S-UFD-04-007	\$100,000	\$100,000
1	Analytics Mid-High Installation & Knowledge Transfer	S-UFD-04-023	\$0.00	\$0.00
1	Analytics Enterprise Custom Course	U-TRN-04-024	\$15,000	\$15,000
TOTAL				\$133,000
GRAND TOTAL				\$283,000

This contract was initially awarded in March 2013 under delegated authority to Cellebrite, Inc. in the amount of \$101,072.80 for an initial five-year term with one, five-year option to renew. During the term, the contract was modified administratively for a total of \$96,000, resulting in a modified contract value of \$197,072.80 for the initial term. Subsequently, on March 6, 2018, pursuant to Resolution No. R-211-18, the Board approved the five-year option to renew under the Cellebrite Forensic System contract as a designated purchase in the amount of \$140,000 for maintenance and support services. The OTR is set to expire on April 30, 2023. The contract's cumulative allocation is approximately \$338,000. Thus, the requested additional expenditure under this item, in the amount of \$283,000, will bring the contract's modified value to \$621,000 if approved – an increase of 83.7%.

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OCA performed a review of the Bid Tracking System (BTS) on June 23, 2020. According to BTS, the current contract has a Blanket Purchase Order balance of \$19,766, indicating that of the \$140,000 allocated to the BPO, a total of \$120,234 has been released. Table 2 provides a breakdown of the contract's life since the original approval in 2013, the option to renew, and the requested additional expenditure under this item.

Table 2

Contract No. SS9737-1/23	Effective Dates	Value
Initial Term (years 1- 5)	March 18, 2013 – April 30, 2018	\$197,072.80
OTR (years 6 -10)	May 1, 2018 – April 30, 2023	\$140,000
Current additional expenditure under OTR term	N/A	\$283,000
Total:		\$620,072.80

OCA performed a search pertaining to the listed BTS Commodity Code 680 (Police, Prison and Security Access Equipment and Supplies) on the Business Management Workforce System's Certified Vendor Directory on June 23, 2020. The following local SBEs were identified.

- Gateways Unlimited, Inc. Miami, Beach, FL SBE-G&S
- Green-Energy-Products.com, LLC Miami, FL SBE-G&S
- Innovative Incentives, Inc. Miami, FL SBE-G&S
- Miami Partners, LLC, Miami Shores, FL SBE-G&S
- Palmetto Uniforms Inc. Miami, FL SBE-G&S
- Safety Source International, Inc. Hialeah, FL SBE-G&S
- The Tool Man Inc. dba The Tools Man Industry Supply, Miami, FL SBE-G&S

OCA performed due diligence on the awarded firm, Cellebrite, Inc., on June 23, 2020; below are the findings.

Awarded Firm(s)	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Cellebrite, Inc.	Foreign Profit Corporation Active Principal Address: 7 Campus Dr. Ste. 210 Parsippany, NJ Filed: August 3, 2017	No account on file	No account on file	No relevant litigation

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ADDITIONAL INFORMATION

OCA performed an internet search on the vendor, Cellebrite, Inc., on June 2, 2020. According to the company website, the vendor is considered a global leader in the Digital Intelligence solutions arena for both the public and private sectors. Among the services provided by Cellebrite is a tool called UFED (Universal Forensic Extraction Device) Physical Analyzer, which is used to access data and help law enforcement agencies analyze information on most iPhones. Among the technological capabilities provided by Cellebrite is the ability to unlock and access crucial data on mobile phones, including emails and deleted content.

https://www.cellebrite.com/en/home/?utm_source=adwords&utm_medium=Paid-Search&utm_campaign=702076&utm_content=home-webpage&gclid=EA1aIQobChMIsuuU2t_j6QIVkIzICh1TPgP3EAAAYASAAEgJW7vD_BwE

In the past few years, Cellebrite has been publicly criticized for its technology services portfolio because of the associated privacy breaches. A 2019 Forbes article reported that the company's advanced unlocking and extraction services – aimed at smart phones and specifically most versions of Apple iPhones – was of concern to the public's right to privacy.

<https://www.forbes.com/sites/thomasbrewster/2018/02/26/government-can-access-any-apple-iphone-cellebrite/#3e241ab8667a>

Cellebrite has also been chosen as the preferred vendor of the U.S. Immigration and Custom Enforcement Agency – via a \$30 million contract in 2019 – to unlock, access and retrieve cell phone data from smart phones worldwide. It is estimated that the company's Universal Forensic Extraction Device ranges in cost from \$5,000 to \$15,000.

<https://thenextweb.com/security/2019/09/12/ice-is-paying-an-israeli-security-company-30m-to-break-into-phones/>
<https://www.pcmag.com/news/ice-buys-smartphone-hacking-tech-from-cellebrite>

DEPARTMENTAL INPUT

Based on the above information, OCA sent the following inquiry to ISD on June 23, 2020; the Department responded on June 29, 2020 and the answers are shown below in Italics.

- Indicate how the Miami-Dade Police Department will ensure that the extraction services from Cellebrite will only be utilized pertaining to persons under investigation. *The MDPD Digital Forensic Unit's (DFU) SOP dictates that MDPD only conduct examinations on items that are submitted pursuant to a criminal investigation, or an internal administrative violation (Professional Compliance Bureau) case. In these cases, MDPD require that proper and legal search authority be submitted prior to initiating an examination of the device in question.*

- Describe the agency protocols in place (if any) to secure privacy during the use of Cellebrite. *The Cellebrite device is kept within the MDPD Headquarters Building, within the secured confines of the Digital Forensic Unit. (DFU). The unit will be kept in a locked room within the DFU. There are two card readers and several cameras maintained by MDPD Headquarters Security to enter the DFU. Only members of the DFU can gain entry into the DFU office area. All data extracted from these devices are kept confidential and released to the lead agent who submitted the evidence for examination.*

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APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Code of Miami-Dade County (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department (ISD); the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

Resolution No. R-477-18, adopted by the Board on May 1, 2018, directs the County Mayor to disclose to the Board the reasons why goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

<http://intra/gia/matter.asp?matter=180822&file=true&yearFolder=Y2018>

Resolution No. R-211-18, adopted March 6, 2018, authorized the designated purchase for a one-year option to renew period under Contract No. SS9737-1/23 in an aggregate amount of up to \$140,000.

<http://www.miamidade.gov/govaction/matter.asp?matter=180195&file=true&fileAnalysis=false&yearFolder=Y2018>

Resolution No. R-718-17, adopted by the Board on July 6, 2017, directs the Mayor to commence planning for re-procurement no later than 18 months prior to the expiration of contracts and Lists of Prequalified Vendors for the purchase of goods and/or services; and directs the Mayor or their designee, on a quarterly basis to identify in writing to the Office of Commission Auditor those contracts and prequalified vendor lists that are set to expire no later than 18 months prior to expiration.

<http://www.miamidade.gov/govaction/matter.asp?matter=171632&file=true&fileAnalysis=false&yearFolder=Y2017>

Resolution No. R-716-12, adopted by the Board on September 4, 2012, requires identification of a firm's Small Business Enterprise (SBE) program certification in any procurement item submitted for Board approval.

<http://intra/gia/matter.asp?matter=121265&file=true&yearFolder=Y2012>

Resolution No. R-187-12, adopted by the Board on February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://intra/gia/legistarfiles/MinMatters/Y2012/120287min.pdf>