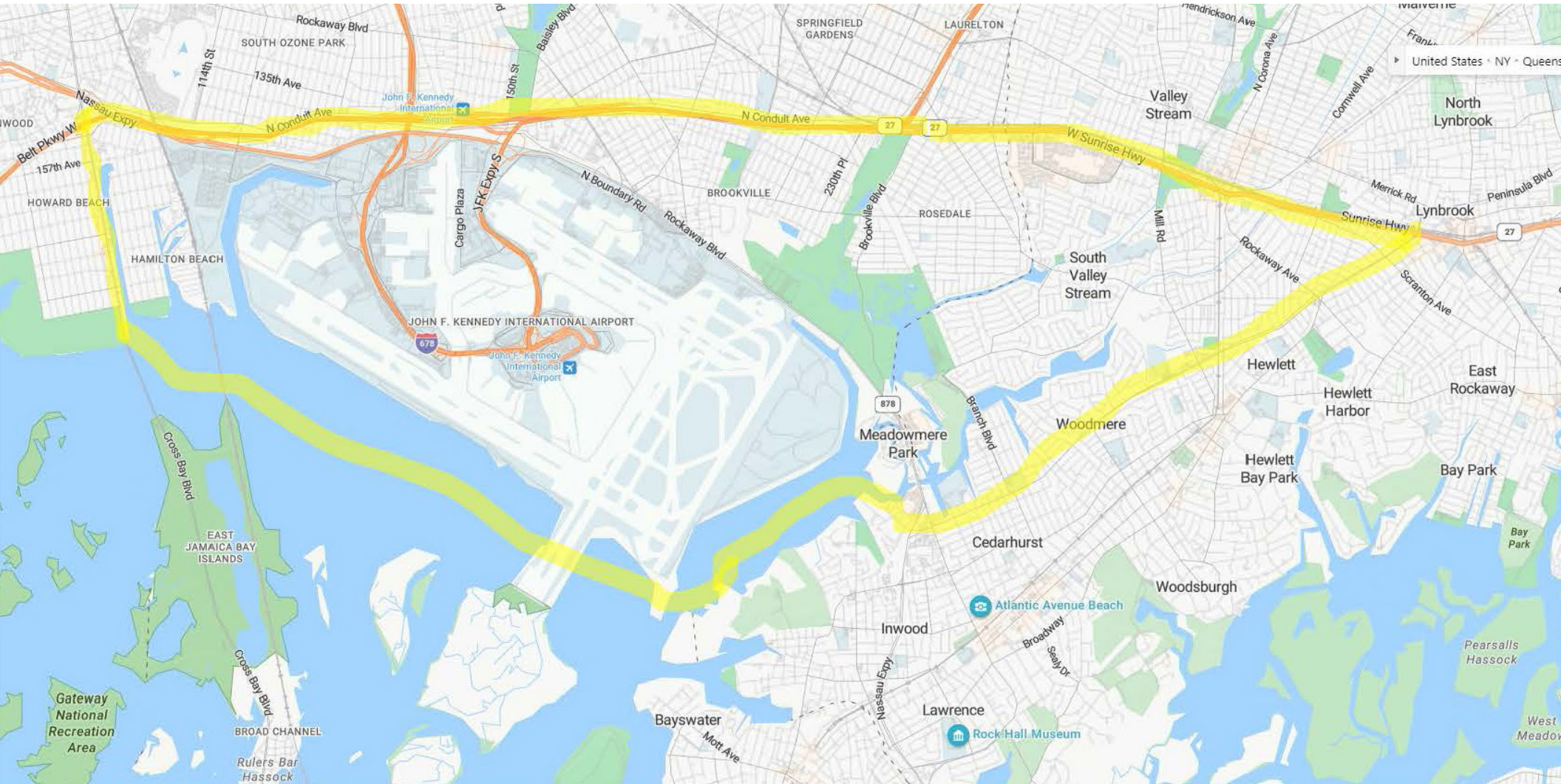


JFK Airport Centralized Examination Station Area of Consideration



U.S. Customs and Border Protection
JFK Airport Air Centralized Examination Station Announcement
July 01, 2023
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U.S. CUSTOMS AND BORDER PROTECTION
NEW YORK FIELD OFFICE
JFK AIRPORT

INFORMATIONAL PIPELINE NO. 23-012-JFK

TO: JFK Airlines, Customhouse Brokers, Importers, Concerned Parties, and the General Public

SUBJECT: Announcement of Centralized Examination Station (CES) Application Period and Selection Process for JFK International Airport

DATE: *JULY 01, 2023*

EXPIRATION DATE: This announcement expires 60 calendar days from the date of issuance.

PURPOSE: Issuance of this Public Bulletin serves as a notification to the public that the U.S. Customs and Border Protection Port Director has made a preliminary determination that there is a need for a Centralized Examination Station (CES) at John F. Kennedy International Airport (JFK). The public has the opportunity to submit written comments to this effect. Secondly, the Port Director requests applications for a CES Operator (CESO) in the JFK area. Application guidelines are included herein. The Port Director is required to issue this Public Bulletin pursuant to 19 C.F.R. §118.2.

DEADLINES:

Public comments must be received by 4:30 p.m. on July 31, 2023, 30 calendar days from the date of this notice.

Applications must be received by 4:30 p.m. on Sept. 1, 2023, 60 calendar days from the date of this notice. Applications received after this date and time will not be considered. Applications found to be incomplete will not be considered.

BACKGROUND:

A Centralized Examination Station (CES) is a privately operated facility where import and/or export cargo, which has been designated by CBP for a physical examination, is made available for inspection. The rules for establishing and selecting a CES are delineated in Title 19, Code of Federal Regulations, Part 118 (19 C.F.R. §118).

The Port Director has made the preliminary determination that a CES facility is needed at JFK. Therefore, CBP is inviting public comments on whether there is a need for a CES facility, as well as soliciting applications for a CESO. This announcement and selection process is for **one (1) CES facility**.

The selected applicant(s) must comply fully with the requirements of Executive Order 12989, dated February 13, 1996, as amended by Executive Order 13465, dated June 6, 2008, and particularly with Sections 1 (a)-(c), which pertain to the unlawful employment of aliens and anti-discrimination requirements of the Immigration and Nationality Act, and any other, applicable law. These requirements apply to all persons working, assigned, and/or detailed to the CES facility, including all casual and/or temporary labor utilized by the CESO.

The Department of Labor (DOL) has concluded that all CES written agreements are subject to the McNamara-O'Hara Service Contract Act (SCA) and certain provisions of the Federal Acquisition Regulation (FAR), including FAR 52.222-1 and 52.222-41 through 52.222-43. Please see Appendix 3 for additional information. The CESO is required to comply with relevant DOL regulations, particularly those related to the SCA and above-referenced FAR provisions. This includes the continuing obligation to comply with applicable prevailing wage determinations and to update these determinations periodically as required by law.

NEED FOR A CES:

The Port Director has the authority to designate any CES location to conduct enforcement examinations. This may change at any time based upon the agency's operational needs. The CESO should be prepared to handle all types of cargo.

When cargo is designated for a physical examination, the importer or their agent under the importer's bond is responsible for arranging and paying for the bonded transfer of the merchandise to an appropriate CES facility, as well as for payment of any authorized fees charged by the CES for its services. If the shipment is considered high risk the CESO, under the direction of CBP will move the cargo to the CES.

Applicants seeking an agreement with CBP to operate a CES must have the ability to transport cargo to and from the CES facility in a timely, expeditious, and secure manner. The CESO must be able to provide resources to transport all manner of cargo adequately and legally on a regular and recurring basis. The applicant must provide a detailed explanation of the means and methods by which the regular and recurring transport of cargo under CBP control will be handled.

Pursuant to 19 C.F.R. §151.15, in instances where the Port Director has determined it necessary, Trade and Enforcement examinations may be designated to be performed at this CES. In all cases, the importer, carrier, exporter, or its agent is responsible for paying the costs of the transfer, as well as any fees charged by the CES for its services which are all on the approved Fee Schedule.

Since the first selection period for the CES program in 1994, CBP has increased its reliance on information technology and non-intrusive inspection procedures to examine shipments entering the United States more selectively. As a result, the CES applicant(s) should be aware that the number of inspections may fluctuate and are advised that a minimum number of examinations is **not guaranteed**.

The transfer of cargo examinations to a CES represents a major change in the way CBP has processed cargo at JFK Airport. After the opening of the CES, CBP may choose to transfer the location of cargo examinations to the CES facility over time to facilitate the orderly processing of cargo. CBP has the sole discretion to choose the location of examination of any individual cargo shipment.

AREA OF CONSIDERATION:

The geographic boundaries of the area of consideration for potential CES locations for this announcement are as follows:

Western boundary: Cross Bay Boulevard
Northern boundary: Belt Parkway
Eastern boundary: Peninsula Boulevard SW, towards the end of Bay Boulevard
Southern boundary: Natural boundary of water to include all of JFK

CES AGREEMENTS AND RESPONSIBILITIES OF THE CES OPERATOR:

Pursuant to 19 C.F.R. §118.3, the applicant tentatively selected to operate a CES must sign a written agreement with CBP before commencing operations. Failure to execute a written agreement with CBP in a timely manner will result in the revocation of that applicant's tentative selection and may result in the selection of another applicant or re-publication of the notice soliciting applications. It is anticipated that the CES selected to operate at JFK will be designated for a period of five (5) years.

By signing the agreement and commencing operations as a CES, a CESO agrees to comply with the terms and conditions set forth in 19 C.F.R. § 118.4, to include any reasonable requirements imposed by the Port Director pursuant to 19 C.F.R. § 118.4(k).

As outlined in 19 C.F.R. § 118.4, the SCA, the applicable provisions of the FAR, Executive Orders 12989 and 13465, and the CES agreement, the CESO also agrees to:

- a.) Comply fully with the requirements of Executive Order 12989, dated February 13, 1996, as amended by Executive Order 13465, dated June 6, 2008, and particularly with Sections l(a)- (c), which pertain to the unlawful employment of aliens and anti-discrimination requirements of the Immigration and Nationality Act, and of any other applicable law. These requirements apply to all persons working, assigned, and/or detailed to the CES facility, including all casual and/or temporary labor utilized by the CESO.
- b.) Comply fully with the DOL regulations including following the federal prevailing wage determinations required by the SCA and the applicable provisions of the FAR; submit to CBP list of employee wages showing conformity to prevailing wages per SCA; the operation can contact DOL for further questions regarding DOL regulations.
- c.) Maintain the facility designated as the CES, in conformity with the minimum security standards outlined in the “Physical Security Standards for CBP Bonded Facilities” Handbook; and “Appendix B- Physical Security Standards for CBP Bonded Facilities [February 1, 2016]”.
- d.) Provide adequate personnel and equipment to ensure reliable efficient service and that the service is on a “first come-first served” basis, unless otherwise directed by CBP; With respect to providing services on a “first come-first served basis” basis, as proscribed by 19 C.F.R. §118.4(b), CESO shall grant Front of the Line (FOL) privileges to Customs-Trade Partnership Against Terrorism (C-TPAT) members for the examination of cargo consistent with 6 U.S.C. § 966(c)(3) except where granting such privileges may result in damage to other merchandise, such as perishable goods, waiting for CBP examination.
- e.) Service fees will be assessed as outlined in the approved fee schedule which is included in the approved application. If the CESO intends to increase, add to, or otherwise change the service fees set forth in the fee schedule, the CESO shall abide by the procedures as set forth in 19 C.F.R. 118.5.
- f.) Assume responsibility for any changes or expenses incurred in connection with the

operation of CES.

- g.) Maintain, at his/her own expense, adequate liability insurance with respect to the property within his/her control and with respect to persons having access to the CES.
- h.) Keep current list of all employees involved in the CES operation, to include all casual and/or temporary labor if utilized and make the list available to CBP upon request. Additions to or deletions from (new hires, resignations, removals, etc.) the list must be submitted in writing to the Port Director or his/her designate within ten (10) calendar days of the commencement or termination of employment.
- i.) Submit, if requested by CBP, the fingerprints of all employees involved in the CES operation (including all casual and/or temporary labor, if utilized).
- j.) Provide transportation for and assume liability for high-risk cargo to and from the CES.
- k.) Maintain a CBP custodial bond (CBP Form 301) in an amount of \$150,000 pursuant to 19 C.F.R. § 118.4(g) and comply with the terms and conditions of the custodial bond pursuant to 19 C.F.R. § 113.63.
- l.) Maintain and make available for CBP examination, all records connected with the operation of the CES and retain those records for not less than five (5) years from the date of transaction or inspection.
- m.) Provide adequate office space, parking space, appropriate sanitary facilities, and portable water, pursuant to 19 C.F.R. Part 118 and as detailed elsewhere in this document, to CBP personnel at no charge or a charge of \$1 per year.
- n.) Provide the office equipment necessary for the operational activity of CBP.
- o.) Provide voice, data cabling, wireless communication, and telephone equipment in accordance with the requirements outlined in this document.
- p.) Ensure that the CES facility complies with the applicable Occupational Safety and Health Act (OSHA) requirements.
- q.) Comply with all applicable federal, state, and local laws, ordinances and/or regulations, as they would apply to the fulfillment of the responsibilities and service provisions as a designated CESO.
- r.) Perform in accordance with any other reasonable requirements imposed by the Port Director.
- s.) Fumigation services are not allowed in any section of the CES facility where CBP conducts inspections.
- t.) Tours or outside personnel are not allowed in the CES facility unless first approved by the Port Director.
- u.) Must follow all CBP Fines, Penalties and Forfeitures (FP&F) seizure and detention procedures. For detained cargo that results in a seizure, the CESO will assume responsibility for any charges or expenses incurred, including but not limited to the staging of the seizure and loading into the general seized property contractor's

container(s) or vehicles.

As a matter of best practice, CES applicants should conduct appropriate background checks on their employees to determine in advance whether any of their employees might have issues that could be of concern to the Port Director.

APPLICATION PROCESS:

All interested parties must submit the attached *CES Application Form* (Appendix 1) and a proposed *CES Rate/Fee Schedule* by the deadline date of this solicitation.

Potential applicants are advised that all materials submitted in the application process become the property of CBP. All information included in the CES application can and/or will be subject to review, investigation, and verification. Information included in the application materials will be utilized to determine an applicant's suitability for consideration in obtaining CESO privileges.

Specifically, if upon review, it is determined that the applicant, an officer, managing official, or a person the Port Director determines is exercising substantial ownership or control over such operator or officer of the CES, is indicted for, convicted of, or has committed acts, which would constitute a felony, or a misdemeanor involving theft or a theft-connected crime, that applicant will be precluded from any further consideration in obtaining CESO privileges.

In addition, failure by the applicant and/or his/her employees to comply with any applicable laws, regulations, rules and/or orders, including but not limited to orders issued by the Port Director, may preclude the applicant from further consideration.

Applicants are requested to provide an "*Authorization for Release of Information*" for all persons who have a direct or indirect financial interest in the proposed CES operation, officers and/or managing officials of the proposed facility. The submission of this release is voluntary; however, failure to provide the "Authorization" may hinder the investigation process.

The CESO agrees to participate in Automated Commercial Environment (ACE), Automated Broker Interface (ABI), Automated Manifest System (AMS), and all future CBP systems. The Port Director will select the applicant that will best meet the examination needs of CBP and has the ability to facilitate the movement of import/export cargo as directed by CBP.

The application to operate a CES must contain specific information as required in 19 C.F.R. §118.11. The service capabilities offered and the operational and facilities characteristics of the potential CES location must meet certain minimum standards. Failure to provide the required information and/or meet any of the minimum standards will preclude the applicant from further consideration of the application. Pursuant to federal regulations, particularly 19 C.F.R. §118.11, the applicant must provide the following information in the application:

1. Provide the name and address of the facility to be operated as the CES, and the name and telephone number of an individual who can be contacted for further information.
2. Provide the identity of the applicant and type of business entity, e.g., corporation, partnership, sole proprietorship, or other legal identification of the proposed CESO.

- Corporations must provide a certified extract of the articles of incorporation.
 - Partnerships must provide a signed copy of the partnership agreement.
 - Fictitious names - if the applicant is conducting business under a fictitious name, then clearly state and provide a copy of the fictitious name filing.
 - Sole Proprietors must identify themselves as such.
3. Provide a current list of all persons who have direct or indirect financial interest in the proposed CES operation, and all officers and managing officials of the proposed facility.

The list must provide the following information:

- Full name
- Company title (position)
- Social Security Number
- Date of birth

Note: In the case of individuals born outside of the United States, provide the person's Alien Registration Number, or place and date of naturalization.

4. Provide a list of all employees that will be involved in the CES operation, setting forth their full names, dates of birth, and social security numbers. Providing social security number is voluntary; however, failure to provide the numbers may hinder the investigation process as per 19 C.F.R. §118.11(f).
5. The applicant must provide a detailed explanation of the means and methods by which the information, as outlined in number three (3) and four (4) above, will be provided to CBP prior to the employment of any individual who will be in contact with and/or handling any merchandise under CBP control and/or will be allowed access to any CBP restricted areas within the CES. If contracted personnel, including any casual or temporary labor, are utilized within the CES, the same requisites apply.
6. Any changes (new hires, resignations, removals, etc.) in employee status must be provided to the Port Director in writing within ten (10) calendar days of the change.
7. Submit the fingerprints of all persons who have direct or indirect financial interest in the proposed CES operation, i.e. all officers and managing officials of the proposed facility.
8. Provide written notification to the Port Director within ten (10) calendar days of learning that the proposed CESO, or any officer, managing official or a person the Port Director determines is exercising substantial ownership or control over such operator or officer, is indicted for, convicted of, or has committed acts which would constitute a felony, a misdemeanor involving theft, or a theft-connected crime.
9. Provide a description of the CES site's accessibility to the CBP Cargo Building located at JFK Airport, Building 77, Jamaica, NY 11430.
10. Provide a detailed floor plan of the facility which is dedicated to the CES operation indicating the bay doors, office space, exterior features, security features, emergency

exits, staging and workspace.

11. Provide a detailed list of equipment and explanations of logistical capabilities that confirms that the applicant can make a variety of cargo available for examination in an efficient and timely manner. Include all relevant specifications for the type of cargo handling equipment to be used.
12. Provide dedicated office space area for CBP use.
13. Provide storage space for detained or seized merchandise.
14. Provide a schedule of fees clearly showing what the applicant will charge for each type of service. Fees should reflect any special costs incurred by the applicant, to meet specific cargo handling, storage requirements, or CBP security standards. **The fees set forth in the Fee Schedule shall be comparable to fees charged for similar services in the area to be served by the CES.** Charges or fees other than those connected with the examination process will be reviewed during the evaluation process. If any of these fees are deemed excessive, that fact may be considered in the selection and can exclude the applicant. Additionally fees will be reviewed for competitiveness with other applicants. Once a CESO is selected, a change in fees is only possible if submitted in writing and approved by the Port Director (19 CFR § 118.5).
15. The CESO agrees that no bonus, rebate, remuneration, or anything of value may be offered, paid, or transferred to any person as an incentive or reward for the referral of cargo examination business, or for the selection of a new CES. This does not prohibit legitimate fee arrangements between a CESO and an importer or broker, such as those based on the prompt payment of CES charges or trade discounts. However, all such arrangements must be included in the CESO's fee schedule as required by 19 C.F.R. §118.4 and §118.5.
16. Provide a copy of an approved custodial bond on CBP Form 301 in the amount of \$150,000 or greater. If the applicant does not currently possess such a bond, a completed CBP Form 301 must be included with the application for approval as a prerequisite to selection.
17. Provide (within the application) information showing the applicant's experience in international cargo operations and knowledge of CBP procedures and applicable regulations or a commitment to acquire that knowledge.
18. Provide any information that relates to other commercial business activities or relationships, or other CBP activities or relationships that are an actual or potential conflict of interest.
19. Provide his/her procedures for the detection, decontamination, and removal of hazardous material. The CESO must be able to comply with all statutes and regulations pertaining to the transportation and storage of hazardous materials, including but not limited to 40 C.F.R. parts 263 and 265.

• *NOTE: Applicants are advised to refer to the minimum requirements portion of this announcement. Failure of a CES applicant to meet any of the minimum standards will preclude them from further consideration.*

Where a significant capital expenditure would be required in order for an existing facility to meet security or other physical or equipment requirements necessary for the CES operation, the applicant

may request in the application time to conform the facility to such requirements. Per 19 C.F.R. §118.3, the written CES agreement cannot be executed, in any event, until the facility is conformed to meet the requirements.

Applicants are advised that the designation of CES status covers only the facility described in his/her application. If any successful applicant changes the location of his/her facility during the term of his/her agreement, his/her status as a CES will be terminated. Further, the designation as a CESO cannot be sold, transferred, inherited, or conveyed in any manner (19 C.F.R. §118.3). See also C.F.R. §§ 113.63(b)(2) and (c)(3); 19 C.F.R. § 118.4(g), and 19 C.F.R. § 118.23(c). Such a sale or transfer may lead to termination of facility's CES status.

All corporate applicants must submit a corporate resolution authorizing the signatory to act on behalf of the corporation.

Any materially false statement on the application may result in disqualification and possible prosecution under the provisions of 18 U.S.C. §1001. Pursuant to 19 C.F.R. §118.21, if it is determined that a CES selection and agreement were obtained through fraud or the misstatement of a material fact then the CES operation will be immediately suspended, and proceedings will be instituted to permanently revoke the selection of the CESO and to cancel the written CES agreement.

SELECTION PROCESS:

After the 60-day application period has expired, JFK will issue another Public Bulletin advising the trade community of the applications that were received, and will publish the following information for each application:

- Name of the applicant
- Address of the facility proposed to be operated as a CES
- Proposed fee schedule
- Number of employees involved in the CES operation.

After this information has been published, interested parties will have a subsequent 30-day period to submit written comments to the Port Director for consideration. See 19 C.F.R. §§118.2 and 118.12. All comments should be forwarded to the following address:

U.S. Customs and Border Protection
JFK International Airport
Building 77
Jamaica, NY 11430
ATTN: CES Coordinator

A facility site survey will be conducted for each potential CES facility for which CBP has received a timely and complete application package meeting the designated minimum requirements. The purpose of the survey will be to verify the information provided on the application and determine a facility rating.

The facility rating will be based on a standardized points system for the specific evaluation criteria contained in the CES Minimum Requirements section of this document.

After reviewing all applications, comments submitted under 19 C.F.R. §§118.2 and 118.12, and the

overall facility rating as determined by the CES Evaluation Team, the Port Director shall determine whether an applicant should be selected to operate a CES. Applicants will be notified in writing of their tentative selection or non-selection along with a statement of the reason for non-selection. A Public Bulletin will be issued to advise the trade community of the tentative selection.

Tentative selectees are required to provide a list of all persons who have direct or indirect financial interest in the proposed CES operation, all officers, managing officials, and all non-CBP personnel having access to the CES area (drivers, warehouse workers, office personnel, etc.) of the proposed facility upon notification of the tentative selection. The list must provide the following information:

- Full name
- Company title (position)
- Social Security Number
- Date of birth
- Note: In the case of individuals born outside the United States, provide the person's Alien Registration Number, or place and date of naturalization.

Tentative selectees will be required to provide the fingerprints of all persons who have direct or indirect financial interest in the proposed CES operation including all officers and managing officials. Subcontracted personnel having access to the CES area (drivers, warehouse workers, office personnel, etc.) should be fingerprinted by contracting company and fingerprints shall be maintained on file with the CES Operator.

If significant capital expenditure is required to make an existing facility meet security or other physical or equipment requirements necessary for the CES operation, an applicant may request, time to conform the facility to such requirements. Upon request by the CES, the Port Director may grant the tentative CESO time to conform the facility to the prescribed minimum requirements as per 19 CFR §118.11. This request should include a timeline indicating expected completion of capital improvements. If deemed necessary by the Port Director, an extension period, may be granted as needed. In such a case, the CES Agreement shall not be executed until those requirements are met. A team of CBP personnel will verify the level of conformity with the requirements prior to the CES Agreement being executed. If the requirements are not met, the tentative CES selection will be withdrawn, and another applicant selected or solicitation may be re-announced.

Final selections for CESO will be determined pending review, investigation, and verification of all information related to the operation of the proposed CES facility. Failure to provide all designated information as requested may result in the withdrawal of tentative selection.


Notices will be sent advising the applicant of either final selection or non-selection. A Public Bulletin will be issued to advise the public of the final selection and the date on which the CES will commence operation.

WHERE TO SEND APPLICATIONS AND COMMENTS:

Applications and comments must be submitted in writing to:

U.S. Customs and Border Protection
JFK International Airport
Building 77
Jamaica Queens, NY 11430
Attn: CES Coordinator

Applications received after the deadline will not be considered. Applications that are incomplete will not be considered. If you have any questions, please contact the JFK CES Coordinator at JFKCES@CBP.DHS.GOV



Elva Muñeton
(A) Port Director
JFK Airport

John F. Kennedy (JFK) Centralized Examination Station (CES) Operational and Facility Characteristics and Minimum Requirements

John F. Kennedy (JFK) Airport CES FACILITY REQUIREMENTS OVERVIEW

A CES is privately owned facility where merchandise is made available for physical examination to CBP officers. The process for establishing a CES at a port or area under the jurisdiction of a port director (PD) is contained in Title 19 of the Code of Federal Regulations (C.F.R.) at Part 118. This section of the regulations covers the CES application process, the general responsibilities of the person or entity selected to operate a CES, the requirements for the written agreement to operate a CES, and the process by which a CES may be suspended or terminated. It is the responsibility of the CES operator to comply with all state and local building requirements and mandates, including those of the Port Authority of New York and New Jersey (if applicable).

The minimum standards contained in this document and the Cargo Facility Design Standards are the requirements that must be included in any facility applying to operate a CES at John F. Kennedy (JFK) Airport.

The geographic boundaries of the area of consideration for potential CES locations for this announcement are as follows:

- Western boundary: Cross Bay Boulevard
- Northern boundary: Belt Parkway
- Eastern boundary: Peninsula Boulevard SW, towards the end of Bay Boulevard
- Southern boundary: Natural boundary of water to include all of JFK

Any change to the physical location of the CES facility during the term of the agreement will result in the termination of the agreement and CBP's permission to operate the CES is automatically revoked. In such instances, the CES operator must provide for the orderly winding down of operations and disposition of merchandise as required under its custodial bond, CF301, pursuant to 19 C.F.R. §113.63.

MINIMUM REQUIREMENTS FOR John F. Kennedy (JFK) Airport CES FACILITY:

The following criteria are the minimum standards and characteristics that must be present in any application to operate a CES and be designated as a CES operator (CESO). Failure to meet any of the minimum standards may preclude the applicant from further consideration.

I. General Requirements for the CES Facility:

Accessibility for Transportation of Merchandise:

The CES must have easy truck access to the facility to unload and discharge merchandise. The CES facility location should not create a significant delay in the merchandise delivery time to or from the facility and must fall within the geographic boundaries stated above. The site must allow a truck to back straight into each bay.

The CES facility shall be designed to promote safe and efficient inspections and operational support tasks to CBP officers. The facility shall incorporate and maintain the highest physical, procedural and personnel security standards while enabling the most efficient merchandise devanning operations.

CES Facility Staffing and Hours of Operation:

The CESO must be able to provide adequate personnel and equipment to ensure reliable service to meet the operational needs of CBP. Normal operating hours for CES facilities will be from 8:00 AM - 8:00 PM, Monday through Friday, but may be increased to include after-hours service and/or weekend hours based upon workload. These days and hours may change in the future, depending on the needs of CBP and the local trade community. The CESO must have the ability to accept freight outside of the normal operating hours identified above. The number of inspections may fluctuate-and is entirely based upon the operational needs of the agency. CBP will not guarantee a minimum number of examinations to any CES facility.

Shipment & Examination Tracking:

The CESO must provide an internal or company operated shipment tracking/availability system. The tracking system must be capable of providing the ability to find information on current and past inspections conducted at the CES. At a minimum, the information should be capable of being organized by status, examination type, carrier and airway bill number. The CESO must also comply with all agency recordkeeping and information retention policies. The CESO must participate in industry EDI/XML messaging to facilitate the electronic communication of freight status, holds, transfers and releases.

Security of CES Facility & Merchandise:

The CESO must comply with all relevant Department of Homeland Security (DHS) and CBP policies relating the security and protection of the CES facility, its employees, and the merchandise shipments. The CES must have a secure perimeter that is adequately maintained and equipped by the CESO and conform to CBP's security standards and operational requirements. This will include general requirements for perimeter walls, perimeter doors, secure storage rooms, weapons and ammunition storage, reception/clerical areas, and evidence vaults. All security features shall comply with the latest agency security policies and procedures.

Security planning is a crucial part of planning a CES facility. The goal for security planning at a CES facility is to protect CBP personnel, facilities, and property. Security planning employs both passive and active elements. Passive elements may include setbacks, non-straight drive aisles, strategic placement of buildings and site features, hardened construction, and sightlines. Active elements may include video surveillance, operable gates, electronic key control, and intruder detection systems. The physical security measures required intended to be used in conjunction with the established operating policies, procedures, and practices of CBP. Access to areas within the CBP perimeter are determined and controlled by CBP. CBP security compliance requirements include, but are not limited to, hardware on doors, duress alarms, lighting requirements, hardened construction for public entries and strong rooms, closed circuit television (CCTV), intrusion detection systems (IDSs), access controls, and signage.

More detailed information will be provided during the application review process and after tentative selection in consultation with specialists from the Office of Professional Responsibility (OPR) and the Office of Technology (OJT)

CES Agreement & Facility Build-out:

Per federal regulations, the selection of a CES facility only becomes final upon the execution of a written agreement between CBP and the CESO. See 19 C.F.R. §§ 118.3; 118.13. This CES agreement *cannot be signed* until the CES facility meets all the security and other physical and equipment requirements necessary for its operation to the satisfaction of the agency. See 19 C.F.R. §118.11(b). Any application that requires significant build-out required for an existing building to meet the requirements must include this request for additional time in its application.

Facility & Workspace Equipment:

The CESO is responsible for funding all costs associated with the acquisition, relocation, staging, transport, training, and maintenance of all CBP identified Non-Intrusive Inspection (NII) equipment, either through direct payment to a CBP approved vendor, or by reimbursement to CBP, as to be determined by CBP upon tentative selection.

The CESO shall also be responsible for reimbursing CBP for the actual acquisition costs for workspace computers and other facility-specific equipment. Coordination with CBP at the early stages of the planning process is required to validate requirements.

More detailed information and specifications will be provided in other attachments to this announcement and during the application review process and after tentative selection.

CES Facility Services:

Regular maintenance services must be provided throughout the CES. Custodial staff may not be issued any keys to CBP designated areas. Cleaning services are to be provided during CBP's hours of operation while CBP employees are present. Custodial services will not be required outside of normal operating hours. The types of services required, and minimum mandatory frequency are:

- | | |
|--|--------------------|
| • Trash pick-up | Minimum once a day |
| • Kitchen/Break room area cleaning services | Minimum once a day |
| • Bathroom cleaning services | Minimum once a day |
| • Office cleaning services | Minimum once a day |
| • Window, carpet, vent, and/or other major cleanings | Bi-annually |
| • Exterminator/pest control | Monthly |

The CES facility must have an exterminator/pest control program. As per OSHA's sanitation standard 29 CFR 1910.141(a)(S), the CBP office space must be constructed, equipped, and maintained in such a way to prevent rodents and insects from entering the workplace, and if they are discovered, an effective extermination program must be implemented. These areas include the walls, ceilings, and doors/entry ways. This is a minimum standard. Failure to meet minimum standards will preclude the applicant from further consideration.

The CESO shall provide to the government at no cost, or for \$1 per year:

- Water, gas, electricity, and refuse collection.
- Telephone and data connectivity.
- Security monitoring.
- Antennas.
- Extra utility fees for overtime use

II. CES Facility Operational Space Requirements:

CES Facility Operational Space Requirements shall meet the requirements provided in the Cargo Facility Design Standards.

The CBP Office of Administration (OA) Project Manager (PM) has final approval authority for meeting CBP operational requirements and will provide official CBP specifications to the CESO, as needed.

A. Inspection Areas:

The CES facility must have sufficient inspection space for the examination and seizure of merchandise. Inspection areas shall be located reasonably close to cargo holding areas and CBP access points. For proper control of transported merchandise packages and shipments, this space shall be adjacent to the loading dock or dedicated CBP access points. The overall warehouse size for this facility shall be a minimum 100,000 square feet.

The CBP Inspection Area within the CES must include, at minimum, the following operational areas and facility characteristics in order to be considered under this solicitation:

1. Examination and Physical Inspection Area:

CBP officers and agriculture specialists examine and physically inspect merchandise packages and shipments in this area. Examinations will require worktables and inspection workstations equipped with terminals for data input. Additional space available for the growth of workforce and workstations will be taken into consideration during the application review process. This space must be adjacent to cargo holding areas.

2. Cargo Unloading Area:

The CES facility must have a commensurate number of cargo bay doors suitable for a 100,000 square foot facility, with at least one drive in ramp. The size of each unloading area shall accommodate a minimum of 300 cartons on approximately 12 pallets. Growth capability shall be a factor in rating the suitability of a site/facility; this shall be included with the proposal.

The cargo door entrances must be the same height as the dock. If not, some kind of specialized equipment must be present to ensure that devanning/reloading of merchandise is completed in a safe and efficient manner.

Fixed, electrical outlets must be available at every cargo bay door.

3. Secondary Inspections Area:

This area must include storage capability for enforcement tools and other necessary equipment and technology. Depending on anticipated merchandise shipments, this space will include X-ray equipment, scales, and/or machine tools for disassembling cargo. The CESO must have the ability to ensure that its employees de-van merchandise in an organized manner and to ensure that the shipment is repacked in the same manner in which it was originally packed.

Merchandise must be stacked no higher than 4 ft. high depending on characteristics of the cargo.

(For example, exceptions would be very large crates, machinery, etc.). Merchandise must be staged with a minimum of 6 ft. of open floor space on either side of the devanned merchandise awaiting inspection.

1. Cargo Detention Storage Area:

The CES facility must have an area that specifically designated for merchandise detention. This space must be separately enclosed and sufficiently large to store detained merchandise that is pending further processing. There must be storage closets included within this enclosed space to separate detained merchandise awaiting a final disposition by CBP.

2. Seizure Processing Area (Min NSF Varies):

The seizure processing area is adjacent to the temporary vault. The seizure processing area is located within the access-controlled secure area of the cargo inspection facility. The seizure processing area requires an expedited access route to transport contents into a secure corridor that leads to the sallyport or controlled exterior transfer point. This room shall comply with “seized property vaults and storage rooms for permanent and temporary storage,” the relevant sections of the current edition of the CBP SPPH and the United States Drug Enforcement Administration (DEA) regulations contained at 21 C.F.R. §§ 1301.72-1301.76. The most stringent requirements of each shall take precedence. The design shall meet Office of Professional Responsibility (OPR) requirements and be approved by the OFO Fines, Penalties and Forfeitures Division.

3. Temporary Seized Property Storage (Min NSF Varies):

Temp seizure vault with four (4) workstations /access controlled and CCTV. The temporary seized property storage is a hardened secure room within restricted space used for the temporary storage (72 hours or less) of seized property. The temporary seized property storage is located adjacent to the seizure processing area. This room shall comply with the current edition of the CBP SPPH and DEA regulations contained at 21 CFR §§ 1301.72-1301.76.

4. Weapons Secure Storage:

The weapons secure storage room is used for the storage of CBP weapons and equipment for the use and carrying of weapons.

B. Operational Support Areas:

The CESO shall provide CBP with space necessary to support CBP's operations. CBP requires operational support space, including storage space, lavatories, safe drinking water, and parking for government-owned vehicles (GOVs) for the CBP staff at the cargo inspection facility.

The following operational support areas, at a minimum, must be included within the design of the CES facility in order to be considered under this solicitation.

1. CBP Employee Work Areas (Min. 64 NSF/per):

The CES facility must include CBP Employee Work Areas. The space must be large enough to accommodate, at a minimum, forty-six (46) workstations. Each of these workstations must be a minimum of 64 sq. ft. in size and include necessary data terminal and telephone hookups. accommodate, at a minimum, forty-six (46) workstations. Each of these workstations must be a minimum of 64 sq. ft. in size and include necessary data terminal and telephone hookups.

2. Supervisor's Office (Min. 150 NSF/per):

The CES facility must have a minimum of six (6) supervisor offices. Each office must be a minimum of 150 sq. ft. in size. The CBP Supervisor manages the day-to-day activities and performance of CBPOs. The supervisor offices must be located adjacent to the CBP Officer Work Area.

3. Chief's Office (Min. 200 NSF):

The CES facility must have a minimum of one (1) Chief office. The Chief CBP Officer's office is located within the CBP operational support area and must have a view of the inspection areas. If the commercial dock is in close proximity to the operational support spaces, the Chief CBP Officer should have a direct line of sight to the area

4. CBP Site and Parking Areas (Min. 50 parking spaces):

The CESO must provide a minimum of fifty (50) designated CBP parking spaces. These parking spaces will be for the exclusive use of CBP employees. All CBP parking areas must be secure and segregated from public parking areas. All CBP parking areas must be within close proximity to CES facility and accessible to CBP employees on a 7-day, 24-hour basis. These secure parking areas must be equipped with access control device approved by local CBP.

All CBP parking areas must allow CNBP to walk from parking areas to the CES facility without travelling through unsecured, public areas. CBP parking areas and the walkway to the CES facility must be well-lit to ensure officer safety.

Remote or off-site parking that requires CBP officers to use shuttle transportation is **unacceptable**.

5. Local Area Network (LAN) Telecommunications Room (Min. 180 NSF):

The LAN room is a secure space that accommodates all DHS/CBP secure LAN equipment & all facility system equipment connected to DHS/CBP secure LAN. The LAN room combines the voice, data & other systems into one area within the facility. Co-location of non-DHS/CBP IT equipment is not permitted.

Within the LAN room, racks will be installed & IT equipment enclosed in lockable cabinets. The LAN room will have camera coverage so that there are no blind spots. Dedicated HVAC controls are required within the LAN room to regulate the temperature and humidity levels in this room. This room shall be constructed in compliance with current DHS/CBP security standards relating to the construction of a strong room.

Additional information is provided in other attachments. More detailed specifications and agency policies will be provided during the application review and tentative selection processes.

6. Public/Broker Waiting Area /Reception Area /Min. 125 NSF):

The CES facility must include a public reception/waiting room area that is a minimum of 125 sq. ft. in size. This area will provide a secure and monitored access point for non-agency employees (i.e. members of the trade, brokers, CESO's staff, etc.) to request and be granted entrance into the CBP operational support areas. Accessible parking should be available for the public.

7. Protective Equipment Storage Area (Min. 150 NSF):

The CES facility must include a secured storage room, with a minimum size of 150 sq. ft., where personal protective equipment and supplies can be stored. The PPE storage room must be located in close proximity to the cargo inspection areas described in Section II.

8. Tool Storage Room (Min. 40 NSF):

The CES facility must have a designated tool storage space/room, located within the Secondary Inspection area. The space must be at a minimum 40 sq. ft. in size. The tool storage area does not have to be a separate enclosed room if there is adequate floor area in the Secondary Inspection area for this purpose, however, there must be a lockable equipment cabinet provided.

9. Canine Kennel/Holding Area (Min. 72 NSF):

The CES facility must have a Canine Kennel/Holding Area which should be of sufficient size to accommodate one (1) Detector Dog (min. of 72 sq. ft.). The canine holding area must be located within the secure CBP workspace (in close proximity to the CBPO Work Area (Sec. 11.b.1.) and only accessible to authorized agency personnel. It also should be located in a quiet low-traffic area of the CBP workspace, not on a common passage route, in order to limit distractions to the detector dog(s).

10. Laundry Room:

The laundry room should be an area or alcove with separate stackable washer and dryer units for washing and drying of hard narcotics training aids, soft narcotics training aids, currency training aids, and general fabrics. A separate washer/dryer will be required for each training discipline and there shall be no cross contamination between the disciplines. Training aid specific washers and dryers are only required at facilities that house/employ that particular discipline of canine.

C. Staff Support Areas:

The CESO shall provide CBP with basic facilities to support CBP personnel in their duties. The CES facility must include, at a minimum, the following space allocations:

1. CBP Staff Break Room /Min. 240 NSF):

The break room serves as the location where CBP employees prepare and have their meals. This

room shall include a refrigerator, microwave, sink, storage in cabinets and an adequate work surface counter.

2. Lactation Support Room /Min. 60 NSF):

The CES facility must include a Lactation Support Room that is provided for CBP employees who are nursing mothers. It must be a minimum of 60 sq. ft. in size. The room should be located in close proximity to the CBP staff break room and shall not be co-located within a restroom. This space may be dual use, however it must include a door that can be secured from the inside in order to ensure privacy. This space must conform to agency guidelines. Additional information will be provided during the application review and tentative selection process.

3. Male & Female Locker Rooms (Min. NSF Varies):

The CES facility must contain separate CBP only, male, and female locker rooms. Each locker room shall include showers, lockers and toilets. Each locker room must be equipped with a minimum of thirty (30) lockers. The entry to the locker rooms shall be located within the CBP-designated workspace and in close proximity to the main staff entry point to the CES facility.

4. Male and Female Restrooms (Min. 60 NSF):

Each building within the CES facility must be equipped with separate CBP only, male and female restrooms. Each restroom must be a minimum of 60 sq. ft. in size. Restrooms shall be strategically placed throughout the CES facility in order to provide convenient access and promote operational efficiency.

If CES facility design consists of a single building and only one set of CBP restrooms is being provided, these must be located adjacent to or combined with the CBP male and female locker rooms described above.

5. Wellness/Physical Fitness Room (Min NSF varies):

The Fitness Center is a health, recreational, and social facility geared towards exercise, sports, and other physical activities.

6. Conference Room (Min NSF varies):

The conference room – muster/training room is used to conduct internal meetings, officer musters, and meetings with other federal agency members, as necessary. The space shall have audio and video capabilities. It is located adjacent to the other work areas and support spaces.

D. Building Support Areas:

CES facilities require typical building systems to operate efficiently and support CBP operations. *The following support systems are required in the design of CES facility to be considered under*

this solicitation.

1. Emergency Generator/Min. 200 NSF:)

The CES facility must include an emergency generator to provide back-up power when electric power from the local utility is interrupted. The CES facility must provide emergency back-up power for 150% of the present design loads. The CES facility must be able to be operational for an extended period of time when using the emergency generator. The emergency generator should be located outside in a separate enclosed shelter, if possible.

III. Legal Compliance:

The CES Operator must comply with all applicable federal, state, and local laws, ordinances and/or regulations in the design, maintenance, and operation of the CES facility. This includes, but is not limited to, the following federal legal requirements:

McNamara-O'Hara Service Contract Act (SCA) and Federal Acquisition Regulations (FAR) The CESO is responsible for complying with the SCA, 41 U.S.C. § 351, et. seq., where applicable, and the FAR 52.222-1 and 52.222-41 through 52.222-43.

Additionally, every employer performing work covered under the (SCA) is required to post a notice of the compensation required (including, for service contracts, any applicable wage determination) in a prominent and accessible location at the worksite where it may be seen by all employees performing on the *Hazardous Materials*. The CES Operator shall comply with all statutes and regulations pertaining to the transportation and storage of hazardous materials, including but not limited to 40 C.F.R. Parts 263 and 265. See link to the SCA poster below:

English: <https://www.dol.gov/whd/regs/compliance/posters/sca.htm>

Spanish:

<https://www.dol.gov/whd/regs/compliance/posters/scaspan.htm>

Wage determinations: <https://bcta.sam.gov>

For further information on the SCA or the FAR, please contact the Department of Labor (DOL) and General Services Agency (GSA) directly. Also see attached Appendix B.

National Environmental Policy Act (NEPA):

The CES facility design shall comply with the NEPA and with all other relevant federal regulations and requirements. *See* 42 U.S.C. §§ 4321 et seq.

Occupational Safety and Health Act (OSHA):

The CES Operator will ensure that the CES facility complies with applicable OSHA

requirements.

Hazardous Materials:

The CES Operator shall comply with all statutes and regulations pertaining to the transportation and storage of hazardous materials, including but not limited to 40 C.F.R. Parts 263 and 265.

Immigration and Nationality Act (INA) & Executive Order 12989:

The CES Operator agrees to comply fully with the requirements of Executive Order 12989 dated February 13, 1996, as amended, including Sections I(a) and (b), which pertain to the unlawful employment of aliens and to the antidiscrimination requirements of the Immigration and Nationality Act and of any other applicable law. These requirements apply to all persons working, assigned, and/or detailed to the CES facility, including all casual and/or temporary labor utilized by the CES Operator.

Equal Employment Opportunity (EEO):

The CES Operator agrees to comply federal employment law and provide a work environment that is free of discriminatory harassment on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, parental status, genetic information, or any other basis protected by law.

Agriculture CES Minimum Requirements

(Non-perishable commodity examinations)

Agricultural Inspection Area:

CBP requires a designated agricultural inspection room/area where shipments with agriculture holds are examined. The designated room should be as follows:

Distinct, enclosed 20 feet by 30 feet room with an ambient air temperature of 60 degrees F during the winter months and 70 degrees F during the summer months.

The heat supply must not be of kerosene source and must not pose a hazardous safety risk.

Additional Examination Areas:

- Inspection area and tables must be located in a safe, uncluttered area away from outside the flow of warehouse traffic, i.e., pedestrians, forklifts, pallet jacks, etc.
- Inspection tables must not be used for cargo storage or any purpose other than agricultural inspection and must be kept clean and dry.
- The inspection area is adequately ventilated with fans; wherever possible, the fans are permanently mounted either on the floor or wall.
- The inspection area is easily accessible for specialists and officers, i.e., not blocked by cargo or equipment.
- The inspection area contains a secure area capable of being locked with a CBP-Strip Seal for storing quarantined products; it is located within the warehouse or cooler.
- The inspection tables used to inspect agricultural commodities should be smooth and cleanable. The surface should be painted white or covered with white laminate to provide the greatest visibility.
- A sturdy, large table that is 36 to 40 inches high is ideal. The minimum width and length of the table should be 48 x 96 inches. The table may be greater than the minimum standards if a company or warehouse desires. In addition, the table surface should not have any raised edges.
- Good, strong lighting is necessary to inspect agricultural products. Fluorescent lighting is the best. Where possible, supplement the overhead fluorescent lighting with a table lamp with magnifier.
- Two 96-inch fluorescent bulbs centered directly over each 48 x 96-inch section of the inspection table is needed minimum.
- The light fixtures must be installed 44 to 56 inches above the inspection surface; do not install light fixtures more than 8 feet above the floor surface.
- Up to four tables to inspect and cut fruits and vegetables and agricultural commodities should be available. A rubber floor mat should be supplied for each inspection table.
- The interior inspection location protected from inclement weather, away from open doorways and drafts so pests do not blow away or escape.
- Inspection area and tables will be located away from any stacked cargo.
- Onsite Agriculture Quarantine Compactor allowing for the destruction of prohibited or infested products which were discovered while conducting the exam.

Agriculture Lab Area:

7 C.F.R. 352.10 Agriculture: Inspection; Safeguards: Disposal

Pursuant to 7 C.F.R. 352.10, Agriculture: Inspection; Safeguards; Disposal, all new and modified existing CBP operational facilities require inclusion of a CBP Agricultural Laboratory and

Disposal Room. The CBP Agriculture Laboratory and Disposal Room is the receiving point for the testing and disposal of illegal agricultural items detected in the CES.

Agriculture Lab Specifications:

- Installation provisions for telephones, data, and power connectivity in the CBP Agriculture Laboratory are required to support the laboratory and to transfer and receive data to assist in proper examination and reporting.
- Laboratory flooring shall be of a washable non-slip material.
- Walls and ceilings shall be washable, and floor drains provided.
- 100% fresh air shall be provided to the laboratory via air ducting from HVAC units
- Minimal of two desks, complete with telephones and chairs, must be provided. Each must have lockable drawers and a large enough top surface to hold one microscope yet still provide writing workspace. All activities conducted in the Laboratory are visual inspections oriented toward finding insects or diseases, soil and seeds/seed pods that maybe associated with the agricultural product. The inspection techniques may include shaking or lightly beating/banging the plant or plant product to shake loose the soil or insects.

This process may cause dust and debris to be released into the air and requires that such activity to be conducted under a vented hood to reduce the likelihood of inhaling dust materials.

- **Fume Hood Vent** - The primary purpose of the fume hood is to exhaust dust associated with dried material during inspection.
- **Security Access Control:** Access control requirements will be determined by CBP.
- **Communications** – Two phone and data outlets.
- **Fixed Equipment** - Built-in Stainless Steel work counters with back splash and knee space, wall cabinets, lockable drawers, low storage cabinets, and 2 drawer files.
- **Mechanical Equipment - HVAC:** Normal ASHRAE HVAC standards. Individual room control, fume hood vented to the outside, provide 100% exhaust, and provide negative air pressure to the outside of the lab.
- **Plumbing:** 5hp grinder S / S sink, Dbl S / S sink, floor drains, 6” waste line. Wall behind stainless steel sink should have 24-inch-high stainless-steel washboard extending 36 inches at both ends of sink.
- **Fire Protection:** Pop-down sprinkler heads.
- **Electrical:** Normal convenience power standards. Multiple dedicated computer circuits. Emergency power backup. GFI/Power receptacle above work counters.

Cleaning and Disinfection

Any article or means of conveyance, or other surfaces contaminated with animal origin material or spillage from USDA regulated garbage must be cleaned and disinfected with one of the USDA APHIS-approved disinfectants listed below.

Contaminated carts, pallets, machinery, handling containers, trucks, or railroad cars used for transporting USDA regulated garbage and any dock or warehouse surface contaminated with leakage from such garbage must be cleaned and disinfected before the items are reused. Cleaning of portable items shall be accomplished over a drain leading to an approved sewage system.

When a spill occurs, the following items must be immediately available to workers tasked with cleaning up the spill:

APHIS-Approved Disinfectant:

Virkon® S (either in bulk or pre-measured for mixing or a premixed solution for immediate use).

- A. A gallon container filled with clean water
- B. A detergent solution (facility choice)
- C. Spray bottle to apply disinfectant
- D. Whisk broom and dustpan or shovel
- E. Paper towels or other absorbent material
- F. Plastic leak-proof three (3) mm bags to hold collected material

A disinfection kit, incorporating the above required items as well as the equipment listed below, must be available at the work site, and if applicable, on each conveyance transporting regulated garbage. This allows for immediate cleaning and disinfection of any spillage of regulated garbage.

Disinfectant Procedures:

1. Sweep up or scrape off as much of the contaminant as possible. Apply absorbent material if needed. Place the sweepings, scrapings, and absorbent material in a leak-proof plastic bag for incineration or sterilization. Free surfaces of grease or dirt when applicable.
2. Scrub the contaminated area or areas where the spill occurred. Use a good detergent solution of the facility's choice. **Note:** if the area is not effectively scrubbed first, remaining debris will protect viruses embedded below the surface, where they will remain untouched by the disinfectant.
3. Flush the scrubbed surfaces with clean water. Flushing is important because the detergent may react with the disinfectant and reduce the disinfectant's activity.
4. If using a premixed solution of disinfectant, then agitate the solution thoroughly. If the temperature is below freezing, delay the application of the disinfectant until the temperature is above freezing. Apply the disinfectant generously, covering the entire area.
5. Incinerate or sterilize all refuse, sweepings, and scrapings that are in the plastic bag.

Any such bag or bags containing regulated animal derived waste products must be at minimum 3 mil (.003 inches) thick, designated as containing regulated garbage by unique color: yellow or tagged as "Regulated Garbage" and stored in a covered rigid, sturdy, leak proof container for pickup not less than 72 hours by an CBP/USDA approved cartage firm for subsequent incineration or sterilization at a CBP/USDA approved processing facility. The container must not be used for domestic trash and must be labeled: REGULATED

GARBAGE with lettering minimum 2 inches high for indoor storage; 4 inches high for outside storage.

WARNING: Do not use sodium carbonate, sodium silicate, or Virkon® S around food, in areas where food is handled, prepared, or transported such as inside a catering kitchen, galley areas aboard aircraft, or in trucks used to transport food and supplies to an aircraft. When disinfecting in these areas, the use of a sanitizer must be approved by the Environmental Protection Agency (EPA) for use around food or on food contact surfaces.

Agriculture CES Minimum Requirements (optional)

The minimum requirements for the Agriculture CES on the preceding three pages support the examination of non-perishable commodities only. At the option of the applicant, additional facilities/ infrastructure may be provided by the applicant to support perishable examinations at the CES. As noted on page 7, a facility rating will be based on a standardized points system for the specific evaluation criteria contained in the CES Minimum Requirements. Bonus points will be awarded to an applicants' overall total score whose bid proposal includes components identified below.

1. Refrigeration:
 - a) In order to accommodate the examination of perishable commodities, points will be awarded for overall refrigeration capabilities for the respective size of the CES, as well as the volume of perishable commodities that arrive at JFK Airport.
 - b) Should the CESO provide adequate refrigeration capabilities, CBP will direct perishable shipments (cut flowers/fruits and vegetables) subject to CBP examination to the CES for storage and exam by CBP Agriculture Specialists.

Should perishable commodity examinations be authorized at the CES, the CESO understands that the CES Facility Staffing and Hours of Operation will need to be adjusted to accommodate the time-sensitive nature of perishable freight.

Authorization for Release of Information

() New Hire Date: _ / _ / _ () Termination Date: _ / _ / _

Employee Name: _____
(Please Print)

In accordance with the provisions of the Privacy Act of 1974, 5USC552a, and the Department of the Treasury Regulations promulgated to implement the Act, 31 C.F.R. Part I; I authorize Customs and Border Protection (CBP), ("The Agency") to disclose any record or information pertaining to me contained in the Agency's files, including such records which may be contained in a system of records, as that term is defined under 5 U.S.C. 552(a)(S), by any means or any communication to:

(Please print name of company)

Provided that the Agency deems such disclosure relevant to the enforcement of any federal law and/or regulation or the grant, denial, suspension or revocation of any bonded status or license or authority to operate. The authority to disclose information, as provided herein, shall constitute a release by me of the United States of America, the Department of Homeland Security, the Agency, and/or any employee thereof from any liability for damages alleged to have been caused directly or indirectly, as a result of the Agency's acquisition, maintenance and/or disclosure of such information, or any subsequent disclosure thereof by any individual or entity.

I understand that my execution of this authorization for disclosure of information is not required by law or regulation, and I declare that such execution is my voluntary act. A copy of this executed document shall be considered to be equal force and effect as the original executed document

(Date)

(Employee's Signature)

Please print the following information:

Address: _____

(Please include complete street, city, state and zip code)

Social Security Number: _____

Date of Birth: _____

Place of Birth: _____

CBP Form 3078 Requirements/Instructions

An original signed CBP Form 3078 from all office personnel who will handle paperwork regarding bonded freight (records-keepers) as well as the company officers as listed in the company's articles of incorporation, partnership agreement, or proprietor statement as applicable.

A photocopy of current and valid government issued photo-ID's are required for each employee submitting a CBP Form 3078. For U.S. born citizens, acceptable documents include state driver's license and U.S. Passport. If the U.S. born citizen does not have a valid passport, then a copy of their birth certificate will be submitted in lieu of the U.S. Passport requirement. For non-U.S. born citizens who have since naturalized, acceptable documents include state driver's license and U.S Naturalization Certificate. For non-U.S. Citizens, acceptable documents include state driver's license and Permanent Resident Card (LPR card) or Employment Authorization Card.

An "Authorization for Release of Information" form for each employee submitting a CBP Form 3078. These authorization forms are strictly voluntary and not required by law but are necessary to assist with the processing of each employee and the applicant.
(See attached document)

Centralized Examination Station (CES)
Data Processing and Telecommunications Requirements

Paperwork Reduction Act Notice: The Paperwork Reduction Act says we must tell you why we are collecting this information, how we will use it, and whether you have to give it to us. We ask for this information to carry out U.S. Customs and Border Protection laws of the United States. This form is used by licensed cartmen or lightermen or their employees as an application to apply for a CBP identification card and is required to obtain or retain a benefit. The estimated average burden associated with this collection of information is 17 minutes per respondent or recordkeeper depending on individual circumstances. The valid OMB Control Number for this Information Collection is 1651-0008

CBP Form 3078/OMB No. 1651-0008 DHS Privacy Act Statement

Pursuant to 5 U.S.C. § 552a(e)(3), this Privacy Act Statement serves to inform you of why DHS is requesting the information on this form.

A. AUTHORITY:

Collection of the information solicited on the CBP Form 3078/OMB No. 1651-0008, is authorized by 5 U.S.C. 301; 19 U.S.C. § 1551, 1565, 1624, 1641; and 19 CFR§ 112.42.

B. PURPOSE:

The primary purpose for soliciting this information is to enable CBP to conduct a background investigation and thereby determine whether the applicant meets the criteria required for the issuance of an identification card. Additionally, CBP solicits information through this form to enable CBP/Office of Personal Responsibility (OPR) to conduct a background investigation and thereby determine whether a visitor or contractor may be cleared to enter a CBP Port of Entry (POE).

C. ROUTINE USES:

CBP may provide information collected and contained in the applicant's file to those employees of CBP who have a need for the records in the performance of their duties. CBP may also use this information, when deemed appropriate, in a proceeding to revoke or suspend the identification card or CBP POE.

The information solicited on the CBP Form 3078/OMB No. 1651-0008 may be shared externally as a "routine use" to other government agencies to assist the Department of Homeland Security in investigating and assessing an applicant's eligibility for an identification card. A complete list of the routine uses can be found in the system of records notice associated with this form; DHS/ALL-023 Department of Homeland Security Personnel Security Management, October 13, 2020, 85 FR 64511, and DHS/ALL-026 Department of Homeland Security Personal Identity Verification Management System, June 25, 2009, 74 FR 30301. The Department's full list of system of records notices can be found on the Department's website at <http://www.dhs.gov/system-records-notices-sorns>.

D. CONSEQUENCES OF FAILURE TO PROVIDE INFORMATION:

Providing this information is not legally required and is voluntary. However, failure to do so may result in CBP's inability to conduct the background investigation required to issue the identification card or to grant clearance to CBP Port of Entry.

INTRODUCTION:

This document provides information on the data processing and voice communication systems used to facilitate cargo processing and enforce U.S. Customs and Border Protection (CBP) requirements at Centralized Examination Stations (CES). Due to the dynamic nature of data and voice communications technology, the requirements in this document may be subject to change. CBP will make every effort to immediately inform Centralized Examination Station Operators (CESO) when such changes are contemplated. CBP understands CESO budgetary constraints; however, Federal information systems must be designed to sufficiently ensure system confidentiality, integrity, and availability in accordance with any and all applicable regulatory requirements.

It is important to note that ALL electronic systems, as defined in this agreement, while funded by the CESO must be ordered, procured, received, installed, possessed, and maintained by CBP. Site modifications may be required to meet OHS and CBP standards. The requirements described address typical installations. As each facility is unique and variances occur from site to site, **the CBP Office of Administration (OA) Project Manager (PM) will provide official requirements and specifications, as needed, including all specific CBP LAN/Telco room layout and equipment specifications for each facility.**

RESPONSIBILITIES:

The CESO is responsible for funding all voice, data and network communications equipment and service costs (i.e. routers, switches, circuits, etc). The CESO is responsible for all initial and recurring costs of computers, monitors, printers, scanners, phones, conference phones, etc. and any software refreshes or upgrades as deemed necessary by CBP. The CESO shall provide and install all systems infrastructure for both the data processing and voice communication systems. CBP presence is required during all cable pulls. This includes, but is not limited to, servers, computers, printers, scanners, duct banks between buildings, entrance raceways, backboards, punch down blocks, wire way, cabling, dedicated conduit, data and voice jacks throughout the facility, power panels, and receptacles.

COMPUTER SYSTEMS:

CBP requires the installation of local area networks (LANs) to support commercial processing and administrative functions. Each network generally includes gateways, switches, file servers, personal computers, printers, computer peripherals, and data communications hardware and software. It is the responsibility of the CESO to provide all necessary infrastructures to support the chosen topology, including the following: electrical power; an uninterruptible power supply (UPS); all required cabling, dedicated conduit and dedicated data circuits; and proper HVAC to assure optimum equipment performance.

CBP mainframe systems operate secured software and network versions to retrieve and manage sensitive law enforcement information. Although costs for the equipment to configure CBP required law enforcement systems are CESO funding obligations, CBP shall control the procurement, receipt, management, and installations of all personal computers, peripherals, and LAN equipment. The tentatively selected CESO must sign an agreement to reimburse CBP any costs advanced to procure and install that equipment or transport any existing law enforcement equipment required by CBP, as necessary. All costs shall be the responsibility of the CESO.

Access is through a network of computer peripherals located in various operational areas of the processing facility. System hardware is located in the secure CBP LAN/Telco Room. For each facility, CBP will furnish specific room layouts and hardware requirements. Dedicated and secure data lines connect this room to the Wide Area Network (WAN). The equipment and configurations for the location will be determined by CBP workload requirements. It is essential that the CESO installs adequate cabling and conduit. The CESO shall also fund a dedicated data circuit, which includes installation, initial, and monthly/annual recurring costs to assure the proper operation of this system.

CBP may elect to conduct a site survey depending upon the complexity of the automated data processing (ADP) equipment at the location. CBP will review its findings with the CESO, such as the requirements for the ADP infrastructure, dedicated electrical requirements, layout of the equipment, and the installation schedule. CBP requires at least a 120-day lead-time to provide the equipment and dedicated data circuit at the facility after funds are received from the CESO. CBP will solely control the installation, maintenance, usage and troubleshooting of all ADP equipment related matters.

COMMERCIAL PROCESSING/ADMINISTRATIVE SUPPORT COMPUTER SYSTEM:

The Commercial Processing/Administrative Support Computer System is normally confined to the CBP office areas. The hardware is housed in the CBP LAN/Telecommunication room. The installation of proper cabling is important in all offices. The installation of proper cabling and dedicated conduit is significant in open office configurations that need floor conduits for the preservation of CBP personnel safety. When desks and officer workstations are not located adjacent to a convenient wall surface the floor jacks/TED boxes must be located to avoid CBP personnel's need to walk-on top of the boxes. The CBP wiring standard for each desk or workstation location is one (1) voice drops, two (2) data drop, and two (2) 120 VAC, 6-8 AMP quadraplex electrical outlet. In addition, the CESO must provide one (1) data drop and one (1) 120 VAC duplex electrical outlet for each LAN/host addressable printer, and one (1) Voice drops and two (2) 120 VAC duplex electrical outlet for each FAX machine. Private offices should have a minimum of two (2) data drops and one (1) voice drop and to permit alternate furniture placement. The CBP OA PM will assist the CESO in planning to support both the commercial processing and administrative computer systems so that sufficient cabling and adequate power is provided to the LAN Topology.

LOCAL AREA NETWORK TOPOLOGY:

Ethernet LANs are supported at CBP locations. The current CBP LAN standard is Gigabit Ethernet (1000BASE-n). The CBP LAN Voice cabling standard is (UTP) Category-6A cabling. The final decision regarding cabling topology will be provided to the CESO by CBP OA PM during facility planning. These configurations, as previously noted, facilitate cargo processing and support office automation. The users on the LAN will have access to the CBP mainframe applications, multiple

databases, development tools, word processing, automated spreadsheets, and other applications. The data and phone lines needed by personnel using these networks will be obtained by the CESO who will provide the appropriate wiring and necessary conduit to support the data requirements and future requirements of this application.

VOICE COMMUNICATIONS SYSTEMS:

The CESO shall be responsible for the procurement, installation, and maintenance of a voice communication system which will include a voicemail system. The CESO shall coordinate with the CBP QA PM to determine the required feature/functions and quantity of telephone sets in support of the CBP operation. The CESO shall order the necessary voice services (TI (voice), POTs, etc.). The CESO shall be responsible for the monthly recurring carrier services costs of such services. Telephone services shall be configured based on CBP requirements (fax lines, modem lines, direct dial numbers, etc.) in support of the overall CBP operation. The CESO shall coordinate with the CBP OA PM to determine the proper quantity of telephone services to be ordered. All designs, specifications and plans are to be approved by CBP prior to any orders. CBP shall provide final decisions regarding CBP facility needs as they relate to these specifications.

CABLING REQUIREMENTS:

Typical LAN/Telco rooms layouts are based on the equipment housed in the room and can vary from facility to facility. CBP prefers to use AMP ACO products for its data and voice terminations but will accept AT&T premise distribution products or equal as a suitable alternative. CBP will make all final decisions regarding cabling specifications and system design. Conduit between buildings is the responsibility of the CESO.

INSTALLATION REQUIREMENTS:

The following are the installation requirements:

- Cabling for wireless access points should be balanced twisted-pair, category 6A or higher, as specified in ANSI/TIA-568-C.2, or two-fiber multimode optical fiber cable, OM3 or higher, as specified in ANSI/TIA-568-C.3
- UTP Category-6A cable shall be terminated with appropriate Category-6A data/voice jacks and patch panels. The present wiring standard is AT&T 568B with female RJ45 interfaces on both ends. All wire terminations, in the proper computer rooms, shall be on AMP's rack mountable ACO patch panels (PIN 556701-2) using ACO kits (PIN 555600-1).
- Data inserts for the kits shall be female RJ45 Category-6A rated (AMP PIN 557258-1). The equivalent AT&T parts numbers are 1100CAT6-24, 48, 64, or 96 for patch panels and M100CH-112, 8-pos., 8-conductor, EIA/RIA T568B inserts for workstations. All terminations shall meet the TSB-40 specifications.
- Terminate cable with appropriate Category 6A, 568B parts. All wiring terminations in the LAN/Telco room(s) shall be on rack mountable patch panels. Kit data inserts shall be female RJ45 Category 6A, 568B rated. All terminations must meet the TSB-40 specification.
- All cabling shall be correctly labeled at both ends and certified tested to conform to industry accepted four-way testing of cable runs. CBP shall be present at pulls.
- All cables shall be home run from a central, convenient termination point, normally the secure CBP LAN/Telco rooms located in the administrative office complex. This room has

special construction standards to prevent unauthorized access or accidental tampering with the cabling or LAN/Telco equipment. OIT will furnish specific LAN/Telco room construction specifications for each facility. CBP shall be present at all cable pulls.

- The length of UTP or IBM cable from the central termination point to the workstation cannot exceed 300 linear feet, including patch cables. In cases where this limitation has been exceeded, fiber optic cable (specifications to be determined by distance from MDF) shall be run to extend the limitation. The CESO must provide the space used to house remote equipment and furnish and install the fiber optic cable. When used, fiber optic cable shall be terminated with LC style connectors.
- CBP shall approve all cabling specifications and parts during facility planning. Dimensions of computer rooms will be based on the number of users at site and equipment housed within the room.
- It is the CESO's responsibility to assure that there is sufficient cabling and secure conduit provided to support the phone and data DEMARK room to the LAN/Telco room(s), and between the LAN/Telco room(s) and the associated closets. OIT will make final decisions regarding facility needs as they relate to these specifications. CBP shall be present at all pulls.
- Where dedicated conduit is provided, it shall be sized to accommodate a projected 25% growth.

POWER REQUIREMENTS:

The CESO shall provide a back-up generator or Uninterruptible Power Supply (UPS) sized to support the initial power load of all LAN equipment and telecommunications systems in the CBP computer/ communications rooms. The system shall provide at least a 4-hour backup at 50% load.

LAN/TELCO ROOMS:

Data processing and telecommunications equipment shall be co-located in the LAN/Telco room. Any CESO information systems collocated within LAN/Telco room shall be physically segregated from CBP information systems. The LAN/Telco room shall have dedicated power panel feed from the facility UPS/Generator. Dedicated 120-volt AC, 20 and 30-ampere outlets shall be run from the LAN/Telco room power panel as required. The number of outlets required, and circuit ratings will depend on the equipment that will be installed in the room. CBP will furnish their respective requirements for the LAN/Telco rooms during project planning. If the worksite has a second floor, then a second LAN closet or Intermediate Distribution Frame (IDF) is required on the second floor. Additional IDF(s) may be required at larger facilities. Each IDF shall be located in close proximity of the end user. The cabling distance between IDF and end user shall be no longer than 300 ft.

FACILITY REQUIREMENTS:

The CESO is responsible for either the funding or the purchase of the following listed equipment, cabling, monthly recurring costs (MRC), and our year costs (OYC), as discussed in this document, at no cost to the Government. For equipment, installation and MRC costs identified below, which requires CBP to procure, receive, install, and maintain; but is funded by the CESO, the CES operator will be required to sign a memorandum of agreement to reimburse CBP for the

procured items necessary for the operation of the CES.

Cabling:

- CAT 6 Data and Voice Cabling
- CAT 6 Data and Voice Jacks
- Data and Voice Racks
- Data and Voice Patch Panels
- Fiber and copper patch cords

IT Data Equipment:

- UPS(s)
- Network Switches
- Server
- Wireless Access Point(s) (WAP)
- Wireless Controllers
- Special wiring provisions
- KVM Switch
- Printers, both network/shared and local/personal
- Scanners
- Tablets
- Two (2) Riverbed appliances
- Computers' amount of memory (RAM) will be at least 32 gigabytes.
- Provide replacement parts for and/or replacements for faulty equipment.
- Provide upgrades to equipment every two years or as CBP deems necessary

IT Data Circuits:

- Two (2) 100 Megabit Ethernet circuits, running simultaneously to serve as backup to the other in case of failure of one circuit. These two (2) circuits will include two (2) network routers.
- Associated with these two (2) 100-megabit Ethernet circuits and two (2) routers are non-recurring costs (NRC) and monthly recurring costs (MRC).
- Provide upgrades to network circuits as CBP deems necessary.

IT Voice Communications:

- Digital Voice Trunk/Circuit with associated NRC and MRC
- Digital Phones
- Phone System with Internal Group Voice Mail capability and accessibility

**Centralized Examination Station (CES)
Application
Appendix 1**

Applicant Name:

CES APPLICANT: _____
ADDRESS: _____
PHONE: _____
EMAIL ADDRESS: _____
FAX: _____
CONTACT PERSON: _____

Applicants are advised that all materials submitted in the application process become the property of U.S. Customs and Border Protection (CBP). All information included in the CES application can and/or will be subject to review, investigation, and verification. Application information will be utilized as a decision support mechanism for the evaluation and selection process. Incomplete applications may not be considered.

Applicants are required to complete the following application in full. Any questions that are not applicable must be marked N/ A. The number zero (0) should be entered into all appropriate blanks. Applicants may provide additional information and/or attachment(s). As indicated in the Public Bulletin, applicants are required to submit the following documentation:

- A copy of the custodial bond, or a completed CBP FORM 301.
- Provide the identity of the applicant and type of business entity, e.g., corporation, partnership, sole proprietorship, or other legal identification of the proposed CES operator.
 - **Corporations** must provide a certified extract of the articles of incorporation
 - **Partnerships** must provide a signed copy of the partnership agreement
 - **Fictitious names** - if the applicant is conducting business under a fictitious name, then clearly state and provide a copy of the fictitious name filing
 - **Sole Proprietors** must identify themselves as such
- A complete proposed fee schedule comparable to existing fees charged for similar services in the area to be serviced by the CES as is required by 19 CFR 118.11(c) "Application to Establish a CES".
- Provide a current list of all persons who have direct or indirect financial interest in the proposed CES operation, all officers and managing officials of the proposed facility. The list

must provide the following information: name, position, home address, date of birth, social security number, place of birth, and Alien Registration Number or place and date of naturalization.

- Provide a list of all employees involved in the CES operation, setting forth their names, dates of birth, and social security numbers. Providing social security numbers is voluntary; however, failure to provide the numbers may hinder the investigation process.
- Provide an "Authorization for Release of Information". The submission of this release is voluntary; however, failure to provide the "Authorization" may hinder the investigation process.
- Provide the fingerprints of all persons who have direct or indirect financial interest in the proposed CES operation, all officers and managing officials of the proposed facility.
- Provide a detailed floor plan of the proposed area that will be dedicated to the CES operation indicating bay doors, workspace, office space, parking space, exterior features, staging area, and security features, etc.
- Provide a detailed explanation of the means and methods by which the information as outlined in the application (see number three (3) and four (4)) will be provided to CBP prior to the employment of any individual who will be coming in contact with and/or handling any merchandise under CBP control and/or will be allowed access to any CBP restricted areas within the CES. If contracted personnel are utilized within the CES, the same requisites apply.
- Provide written notification to the Port Director within 10 calendar days of learning that the proposed CES operator, or any officer, managing official, or a person the Port Director determines is exercising substantial ownership or control over such operator or officer, is indicted for, convicted of, or has committed acts which would constitute a felony, a misdemeanor involving theft, or a theft-connected crime.

Applicants should consider only space/facilities solely devoted to the CES operation when answering the questions below:

1. Does the application package contain the name and address of the facility to be operated as the CES, the names of all principals or corporate officers, persons having direct or indirect financial interest in the proposed CES operation, and the name and telephone number of an individual to be contacted for further information?**YES NO**
2. Does the application package contain a list of all principle employees involved in the CES operation, setting forth their full names, dates of birth, and social security numbers? (Providing social security numbers is voluntary; however, failure to provide the numbers may hinder the investigation process.).....**YES NO**
3. Does the application package contain a description of the accessibility of the proposed CES

within the designated area of consideration and a floor plan of the facility actually dedicated to the CES operation indicating bay doors, office space, exterior features, security features, staging and workspace?YES NO

4. Is a proposed fee schedule with comparable charges included clearly indicating what the applicant proposes to charge for each type of service?YES NO
5. Does the application package include a copy of an approved custodial bond on CBP form 301?YES NO
6. Is the applicant fully aware of the requirements of Executive Order 12989, dated February 13, 1996, particularly with Sections 1(a) and (b), which pertain to the unlawful employment of aliens and to the anti-discrimination requirements of the Immigration and Nationality Act, and of any other applicable law?YES NO
7. Is the applicant fully aware of the ruling that the Department of Labor has issued advising CBP that CES facilities are subject to the Service Contract Act (SCA) of 1965, as amended and the requirements therein?YES NO

Minimum Requirements:

As outlined in the minimum requirements document of the Pipeline, the below listed criteria are the minimum standards for the operational and the facility characteristics that must be present to be considered for designation as a CES operator. **Failure to meet any of the minimum standards will preclude the applicant from further consideration.** Applicants must verify the following:

1. CES Operational and Facility Characteristics:

The applicant has the ability to, can ensure, and/or provide:

Provide service and use of the facility based upon the needs of CBP which may include a second shift and/or weekend work on a 24-hour basisYES NO

Provide a professionally installed, working alarm system capable of monitoring all CBP designated areas and all entrances.YES NO

Provide controlled/restricted access to all CBP designated areas from the public and/or unauthorized personnel by using picture identification cards for all CES employees and badges for all visitors/contractors.....YES NO

Provide adequate number of perimeters Closed Circuit Television (CCTV) cameras at critical areas throughout CES facilityYES NO

Provide security personnel on a 7-day, 24-hour basis to view CCTV cameras, guard yard entrance, and provide roving patrols of entire facilityYES NO

Provide TV monitors for CBP personnel to view the security cameras YES NO

Provide HSPD-12 compliant physical access control system card readers (125kHz/13.56) at all critical entrance points YES NO

Provide online tracking/availability system for bonded cargo movementYES NO

Provide sufficient illumination in the examination area that will meet safety considerations and examination requirements:YES NO

Ensure that fumigation services are not allowed in or near the CES facility.....YES NO

Able to fund all costs associated with the acquisition and/or relocation of all office equipment and furniture.....YES NO

Ensure the facility designated as a CES is in accordance with "Physical Security Standards for CBP Bonded Facilities"YES NO

Ensure that the facility fully complies with the Occupational Safety and Health Act (OSHA) including:

- First aid program YES NO
- Safety and health training program YES NO
- Hazard communication plan YES NO
- Emergency action plan YES NO
- Fire prevention plan YES NO

Ensure there are handicap ramps to all CBP entrances/exits YES NO

Provide an elevator within the CES facility, if there is a second floor to be used by CBP YES NO

Ensure the proposed facility is located within the area of consideration as outlined in the Public Bulletin YES NO

2. Cargo Transportation:

The applicant has the ability to, can ensure, and/or provide:

Ability to transport cargo to and from the airport warehouse area to the CES in a timely, expeditious, and secure manner YES NO

Provide resources to adequately and legally transport cargo on a regular and recurring basis..... YES NO

Provide transportation of high risk cargo, to include special transport on short notice and/or after normal operating hoursYES NO

Ability to deliver/present designated cargo to CBP for inspection within 24 hours after cargo availability.YES NO

3. Environmental Compliance:

Is the applicant fully aware of the environmental compliance requirementsYES NO

4. Cargo Bay Doors:

The applicant has the ability to, can ensure, and/or can provide:

Ensure cargo door entrances are the same height as the dock. If not, then specialized equipment must be present to ensure that devanning/reloading of cargo is completed in an efficient manner

.....YES NO

Provide electrical outlets at every second bay doors within the CES area: YES NO

5. Floor Space/Cargo Devanning:

The applicant has the ability to, can ensure, and/or provide:

Ensure that cargo is repacked in the same manner in which it was originally packed.....YES NO

Provide the minimum required cargo staging area, dedicated full-time for CES operations regardless of workload for CBP at the CES.....YES
NO

Ensure cargo is staged in a straight line.....YES NO

Ensure cargo is staged no higher than 4 feet high (depending on characteristics of the cargo, for example, large crates)YES NO

Ensure cargo is staged with a minimum of 6 feet of open floor space on either side
.....YES NO

Provide required worktables for examinationsYES NO

6. Cargo Detention Storage:

The applicant has the ability to, can ensure, and/or provide:

Provide an area specifically designated and separately enclosed for detained merchandiseYES NO

7. CBP Office Space:

The applicant has the ability to, can ensure, and/or provide:

Provide secure office space subject to security controls (i.e., intrusion alarms, access control at all entrances that default to coded cipher locks in event of an emergency, coded cipher locks) on all doors with warehouse access, etc..... **YES** **NO**

Provide the minimum required workstations/cubicles (64 sq. ft.) and accompanying computers, printers, phones and scanners **YES** **NO**

Provide the minimum required private offices (150 sq. ft.) **YES** **NO**

8. CBP Parking Space:

The applicant has the ability to, can ensure, and/or provide:

Provide a secured dedicated fenced CBP parking area with controlled access which is subject to security controls on a 24-hr, 7-day basis: **YES** **NO**

Provide the minimum required number of vehicle parking spaces:

- **POV:** (20ft L x 10ft W)..... **YES** **NO**
- **GOV:** (20ft L x 10ft W)..... **YES** **NO**

9. LAN telecommunications Room:

The applicant has the ability to, can ensure, and/or can provide:

Provide all the minimum required ADP equipment and cabling equipment needed to run the CES..... **YES** **NO**

Ensure wireless technology infrastructure capabilities, data processing and telecommunications requirements are met as per the minimum requirements..... **YES** **NO**

10. Canine Holding Area:

The applicant has the ability to, can ensure, and/or can provide:

Provide the minimum required Canine Kennel/Holding area, storage space, office space, and equipment:

- Kennel space to accommodate 1 dog (6ft L x 12ft W) **YES** **NO**
- Storage space with cabinets (6ft L x 6ft W): **YES** **NO**
- Seamless epoxy-resin flooring sloped to floor drain..... **YES** **NO**
- 8" CMU finished walls with epoxy paint..... **YES** **NO**
- 5/8" gypsum board ceiling **YES** **NO**

Ensure that the holding area is adjacent and/or within reasonable visual vicinity of the CBP office space **YES** **NO**

Ensure that the holding area is not in an area that would be accessible to the public and/or Non-CBP personnel..... **YES** **NO**

11. NII:

The applicant understands they are responsible for:

Funding costs associated with the potential acquisition, relocation, staging, transport, training, and maintenance of all NII equipment..... **YES** **NO**

12. Kitchen/Break Room:

The applicant has the ability to, can ensure, and/or provide:

Provide a kitchen/break room area including tables and chairs for the minimum required people..... **YES** **NO**

Provide a sink with hot and cold running water **YES** **NO**

Provide kitchen appliances such as refrigerators, microwaves, toasters **YES** **NO**

Ensure the kitchen/break room is stocked with paper towels, toilet paper, and maintained by the custodial staff on a daily basis **YES** **NO**

13. Lactation Room:

The applicant has the ability to, can ensure, and/or provide:

Provide a permanent private room/office to be utilized as a lactation room. This room should be dedicated for CBP employees only, and should include the following:

- a small refrigerator, table and chair/couchYES NO
- a lock on the inside of the door as well as the outside YES NO
- a shelf or cabinet for temp storage YES NO
- a standard outlet YES NO
- adjustable climate control feature YES NO
- daily maintenance to keep area clean at all times YES NO
- sanitary supplies such as disinfectant wipes, soap, paper towels, hand sanitizer, and a wastebasket YES NO

14. Sanitary Facilities:

The applicant has the ability to, can ensure, and/or provide:

Provide sanitary facilities that comply with the State of California plumbing code and other applicable codes, for the minimum number of employees assigned to this facility YES NO

Provide a sufficient number of male and female sanitary facilities dedicated for CBP Employees.....YES NO

Ensure the sanitary facilities are stocked with sanitary amenities (i.e. soap, toilet paper, paper towels, mirrors, medicine cabinet, seat covers, female receptacles, etc.).....YES NO

15. Maintenance Services:

The applicant has the ability to, can ensure, and/or provide regular maintenance services:

- Trash pick-up
Minimum once a dayYES NO
- Kitchen/Break room area cleaning services
Minimum once a day YES NO
- Bathroom cleaning services
Minimum once a day YES NO

- Office cleaning services
Minimum of every other day YES NO
- Window, carpet, vent and/or other major cleaning
Bi-annually YES NO
- Exterminator/Pest Control
Monthly YES NO
- Painting, window, carpet, vent and/or other major cleaning
Bi-annually YES NO

Ensure office space is highly resistant and/or impenetrable to vermin and/or pest infestation/access from the walls, ceilings, and doors..... **YES NO**

Provide a regular exterminator/pest control program, preferably monthly..... **YES NO**

16. Secure Tool Storage and Work Space Area:

The applicant has the ability to, can ensure, and/or provide:

Provide a secure general storage area adjacent to the CBP office space that will adequately and securely house a wide array of tools and specialized inspection equipment..... **YES NO**

Provide a dedicated workbench and shelving for various types of tools..... **YES NO**

17. Additional CBP Space:

The applicant has the ability to, can ensure, and/or provide:

- Provide the minimum size required Public Reception Room **YES** **NO**
- Provide the minimum size required General Storage Room **YES** **NO**
- Provide the minimum size required Personal Protective Equipment storage **YES** **NO**

18. CES Facility Backup Power:

The applicant has the ability to, can ensure, and/or can provide:

- Ensure that the CES facility has electrical "Backup Power" of 150% capacity **YES** **NO**

19. Identity and Operational Signage:

The applicant has the ability to, can ensure, and/or can provide:

- The CES facility must have official CBP identity signage that properly identifies CBP's presence at a location **YES** **NO**

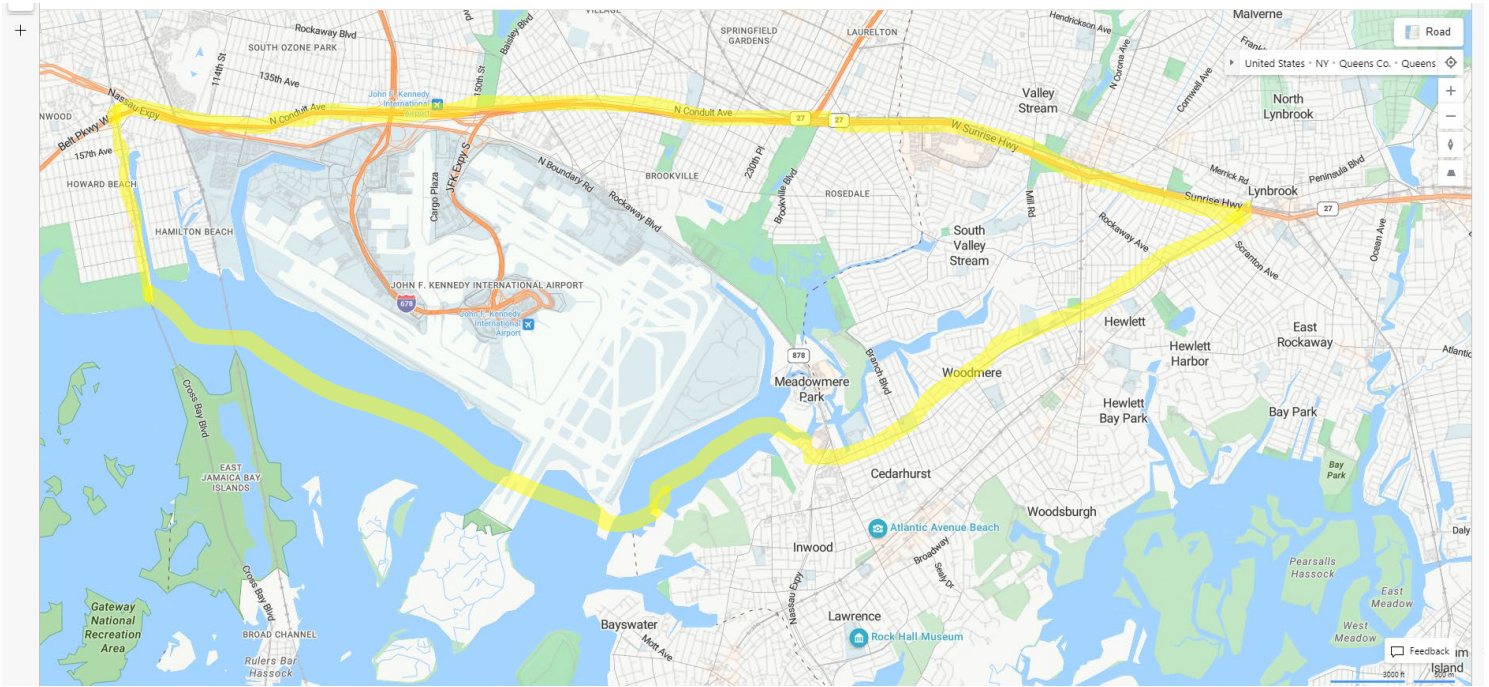
Certification

I certify that the information provided in this Application and attachments is true and accurate.

Signature	Name (Print or Type)	Date
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JFK Airport Centralized Examination Station Area of Consideration

Appendix 2



Certain Provisions of the Federal Acquisition Regulations (FAR)
Appendix 3

52.222-1 Notice to the Government of Labor Disputes.

As prescribed in 22.103-5(a), insert the following clause:

Notice to the Government of Labor Disputes (FEB 1997)

If the Contractor has knowledge that any actual or potential labor dispute is delaying or threatens to delay the timely performance of this contract, the Contractor shall immediately give notice, including all relevant information, to the Contracting Officer.

(End of clause)

[48 FR 42478, Sept. 19, 1983, as amended at 61 FR 67426, Dec. 20, 1996]

52.222-41 Service Contract Act of 1965.

As prescribed in 22.1006(a), insert the following clause:

Service Contract Act of 1965 (Nov 2007)

(a) Definitions. As used in this clause—

“Act” means the Service Contract Act of 1965 (41 U.S.C. 351, et seq.).

“Contractor,” when this clause is used in any subcontract, shall be deemed to refer to the subcontractor, except in the term “Government Prime Contractor.”

“Service employee” means any person engaged in the performance of this contract other than any person employed in a bona fide executive, administrative, or professional capacity, as these terms are defined in Part 541 of Title 29, Code of Federal Regulations, as revised. It includes all such persons regardless of any contractual relationship that may be alleged to exist between a Contractor or subcontractor and such persons.

(b) Applicability. This contract is subject to the following provisions and to all other applicable provisions of the Act and regulations of the Secretary of Labor (29 CFR Part 4). This clause does not apply to contracts or subcontracts administratively exempted by the Secretary of Labor or exempted by 41 U.S.C. 356, as interpreted in Subpart C of 29 CFR Part 4.

(c) Compensation.

(1) Each service employee employed in the performance of this contract by the Contractor or any subcontractor shall be paid not less than the minimum monetary wages and shall be furnished fringe benefits in accordance with the wages and fringe benefits determined by the Secretary of Labor, or authorized representative, as specified in any wage determination attached to this contract.

(2)(i) If a wage determination is attached to this contract, the Contractor shall classify any class of service employee which is not listed therein and which is to be employed under the contract (i.e., the work to be performed is not performed by any classification listed in the wage determination) so as to provide a reasonable relationship (i.e., appropriate level of skill comparison) between such unlisted classifications and the classifications listed in the wage determination. Such conformed class of employees shall be paid the monetary wages and furnished the fringe benefits as are determined pursuant to the procedures in this paragraph (c).

Certain Provisions of the Federal Acquisition Regulations (FAR)

(ii) This conforming procedure shall be initiated by the Contractor prior to the performance of contract work by the unlisted class of employee. The Contractor shall submit Standard Form (SF) 1444, Request For Authorization of Additional Classification and Rate, to the Contracting Officer no later than 30 days after the unlisted class of employee performs any contract work. The Contracting Officer shall review the proposed classification and rate and promptly submit the completed SF 1444 (which must include information regarding the agreement or disagreement of the employees' authorized representatives or the employees themselves together with the agency recommendation), and all pertinent information to the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor. The Wage and Hour Division will approve, modify, or disapprove the action or render a final determination in the event of disagreement within 30 days of receipt or will notify the Contracting Officer within 30 days of receipt that additional time is necessary.

(iii) The final determination of the conformance action by the Wage and Hour Division shall be transmitted to the Contracting Officer who shall promptly notify the Contractor of the action taken. Each affected employee shall be furnished by the Contractor with a written copy of such determination or it shall be posted as a part of the wage determination.

(iv)(A) The process of establishing wage and fringe benefit rates that bear a reasonable relationship to those listed in a wage determination cannot be reduced to any single formula. The approach used may vary from wage determination to wage determination depending on the circumstances. Standard wage and salary administration practices which rank various job classifications by pay grade pursuant to point schemes or other job factors may, for example, be relied upon. Guidance may also be obtained from the way different jobs are rated under Federal pay systems (Federal Wage Board Pay System and the General Schedule) or from other wage determinations issued in the same locality. Basic to the establishment of any conformable wage rate(s) is the concept that a pay relationship should be maintained between job classifications based on the skill required and the duties performed.

(B) In the case of a contract modification, an exercise of an option, or extension of an existing contract, or in any other case where a Contractor succeeds a contract under which the classification in question was previously conformed pursuant to paragraph (c) of this clause, a new conformed wage rate and fringe benefits may be assigned to the conformed classification by indexing (i.e., adjusting) the previous conformed rate and fringe benefits by an amount equal to the average (mean) percentage increase (or decrease, where appropriate) between the wages and fringe benefits specified for all classifications to be used on the contract which are listed in the current wage determination, and those specified for the corresponding classifications in the previously applicable wage determination. Where conforming actions are accomplished in accordance with this paragraph prior to the performance of contract work by the unlisted class of employees, the Contractor shall advise the Contracting Officer of the action taken but the other procedures in subdivision (c)(2)(ii) of this clause need not be followed.

(C) No employee engaged in performing work on this contract shall in any event be paid less than the currently applicable minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended.

(v) The wage rate and fringe benefits finally determined under this paragraph (c)(2) of this clause shall be paid to all employees performing in the classification from the first day on which contract work is performed by them in the classification. Failure to pay the unlisted employees the compensation agreed upon by the interested parties and/or finally determined by the Wage and Hour Division retroactive to the date such class of employees commenced contract work shall be a violation of the Act and this contract.

(vi) Upon discovery of failure to comply with paragraph (c)(2) of this clause, the Wage and Hour Division shall make a final determination of conformed classification, wage rate, and/or fringe benefits which shall be retroactive to the date such class or classes of employees commenced contract work.

(3) Adjustment of compensation. If the term of this contract is more than 1 year, the minimum monetary wages and fringe benefits required to be paid or furnished thereunder to service employees under this contract shall be subject to adjustment after 1 year and not less often than once every 2 years, under wage determinations issued by the Wage and Hour Division.

Certain Provisions of the Federal Acquisition Regulations (FAR)

(d) Obligation to furnish fringe benefits. The Contractor or subcontractor may discharge the obligation to furnish fringe benefits specified in the attachment or determined under paragraph (c)(2) of this clause by furnishing equivalent combinations of bona fide fringe benefits, or by making equivalent or differential cash payments, only in accordance with Subpart D of 29 CFR Part 4.

(e) Minimum wage. In the absence of a minimum wage attachment for this contract, neither the Contractor nor any subcontractor under this contract shall pay any person performing work under this contract (regardless of whether the person is a service employee) less than the minimum wage specified by section 6(a)(1) of the Fair Labor Standards Act of 1938. Nothing in this clause shall relieve the Contractor or any subcontractor of any other obligation under law or contract for payment of a higher wage to any employee.

(f) Successor contracts. If this contract succeeds a contract subject to the Act under which substantially the same services were furnished in the same locality and service employees were paid wages and fringe benefits provided for in a collective bargaining agreement, in the absence of the minimum wage attachment for this contract setting forth such collectively bargained wage rates and fringe benefits, neither the Contractor nor any subcontractor under this contract shall pay any service employee performing any of the contract work (regardless of whether or not such employee was employed under the predecessor contract), less than the wages and fringe benefits provided for in such collective bargaining agreement, to which such employee would have been entitled if employed under the predecessor contract, including accrued wages and fringe benefits and any prospective increases in wages and fringe benefits provided for under such agreement. No Contractor or subcontractor under this contract may be relieved of the foregoing obligation unless the limitations of 29 CFR 4.1b(b) apply or unless the Secretary of Labor or the Secretary's authorized representative finds, after a hearing as provided in 29 CFR 4.10 that the wages and/or fringe benefits provided for in such agreement are substantially at variance with those which prevail for services of a character similar in the locality, or determines, as provided in 29 CFR 4.11, that the collective bargaining agreement applicable to service employees employed under the predecessor contract was not entered into as a result of arm's length negotiations. Where it is found in accordance with the review procedures provided in 29 CFR 4.10 and/or 4.11 and Parts 6 and 8 that some or all of the wages and/or fringe benefits contained in a predecessor Contractor's collective bargaining agreement are substantially at variance with those which prevail for services of a character similar in the locality, and/or that the collective bargaining agreement applicable to service employees employed under the predecessor contract was not entered into as a result of arm's length negotiations, the Department will issue a new or revised wage determination setting forth the applicable wage rates and fringe benefits. Such determination shall be made part of the contract or subcontract, in accordance with the decision of the Administrator, the Administrative Law Judge, or the Administrative Review Board, as the case may be, irrespective of whether such issuance occurs prior to or after the award of a contract or subcontract (53 Comp. Gen. 401 (1973)). In the case of a wage determination issued solely as a result of a finding of substantial variance, such determination shall be effective as of the date of the final administrative decision.

(g) Notification to employees. The Contractor and any subcontractor under this contract shall notify each service employee commencing work on this contract of the minimum monetary wage and any fringe benefits required to be paid pursuant to this contract, or shall post the wage determination attached to this contract. The poster provided by the Department of Labor (Publication WH 1313) shall be posted in a prominent and accessible place at the worksite. Failure to comply with this requirement is a violation of section 2(a)(4) of the Act and of this contract.

(h) Safe and sanitary working conditions. The Contractor or subcontractor shall not permit any part of the services called for by this contract to be performed in buildings or surroundings or under working conditions provided by or under the control or supervision of the Contractor or subcontractor which are unsanitary, hazardous, or dangerous to the health or safety of the service employees. The Contractor or subcontractor shall comply with the safety and health standards applied under 29 CFR Part 1925.

Certain Provisions of the Federal Acquisition Regulations (FAR)

(i) Records.

(1) The Contractor and each subcontractor performing work subject to the Act shall make and maintain for 3 years from the completion of the work, and make them available for inspection and transcription by authorized representatives of the Wage and Hour Division, Employment Standards Administration, a record of the following:

(i) For each employee subject to the Act—

(A) Name and address and social security number;

(B) Correct work classification or classifications, rate or rates of monetary wages paid and fringe benefits provided, rate or rates of payments in lieu of fringe benefits, and total daily and weekly compensation;

(C) Daily and weekly hours worked by each employee; and

(D) Any deductions, rebates, or refunds from the total daily or weekly compensation of each employee.

(ii) For those classes of service employees not included in any wage determination attached to this contract, wage rates or fringe benefits determined by the interested parties or by the Administrator or authorized representative under the terms of paragraph (c) of this clause. A copy of the report required by subdivision (c)(2)(ii) of this clause will fulfill this requirement.

(iii) Any list of the predecessor Contractor's employees which had been furnished to the Contractor as prescribed by paragraph (n) of this clause.

(2) The Contractor shall also make available a copy of this contract for inspection or transcription by authorized representatives of the Wage and Hour Division.

(3) Failure to make and maintain or to make available these records for inspection and transcription shall be a violation of the regulations and this contract, and in the case of failure to produce these records, the Contracting Officer, upon direction of the Department of Labor and notification to the Contractor, shall take action to cause suspension of any further payment or advance of funds until the violation ceases.

(4) The Contractor shall permit authorized representatives of the Wage and Hour Division to conduct interviews with employees at the worksite during normal working hours.

(j) Pay periods. The Contractor shall unconditionally pay to each employee subject to the Act all wages due free and clear and without subsequent deduction (except as otherwise provided by law or regulations, 29 CFR Part 4), rebate, or kickback on any account. These payments shall be made no later than one pay period following the end of the regular pay period in which the wages were earned or accrued. A pay period under this Act may not be of any duration longer than semi-monthly.

Certain Provisions of the Federal Acquisition Regulations (FAR)

(k) Withholding of payments and termination of contract. The Contracting Officer shall withhold or cause to be withheld from the Government Prime Contractor under this or any other Government contract with the Prime Contractor such sums as an appropriate official of the Department of Labor requests or such sums as the Contracting Officer decides may be necessary to pay underpaid employees employed by the Contractor or subcontractor. In the event of failure to pay any employees subject to the Act all or part of the wages or fringe benefits due under the Act, the Contracting Officer may, after authorization or by direction of the Department of Labor and written notification to the Contractor, take action to cause suspension of any further payment or advance of funds until such violations have ceased. Additionally, any failure to comply with the requirements of this clause may be grounds for termination of the right to proceed with the contract work. In such event, the Government may enter into other contracts or arrangements for completion of the work, charging the Contractor in default with any additional cost.

(l) Subcontracts. The Contractor agrees to insert this clause in all subcontracts subject to the Act.

(m) Collective bargaining agreements applicable to service employees. If wages to be paid or fringe benefits to be furnished any service employees employed by the Government Prime Contractor or any subcontractor under the contract are provided for in a collective bargaining agreement which is or will be effective during any period in which the contract is being performed, the Government Prime Contractor shall report such fact to the Contracting Officer, together with full information as to the application and accrual of such wages and fringe benefits, including any prospective increases, to service employees engaged in work on the contract, and a copy of the collective bargaining agreement. Such report shall be made upon commencing performance of the contract, in the case of collective bargaining agreements effective at such time, and in the case of such agreements or provisions or amendments thereof effective at a later time during the period of contract performance such agreements shall be reported promptly after negotiation thereof.

(n) Seniority list. Not less than 10 days prior to completion of any contract being performed at a Federal facility where service employees may be retained in the performance of the succeeding contract and subject to a wage determination which contains vacation or other benefit provisions based upon length of service with a Contractor (predecessor) or successor (29 CFR 4.173), the incumbent Prime Contractor shall furnish the Contracting Officer a certified list of the names of all service employees on the Contractor's or subcontractor's payroll during the last month of contract performance. Such list shall also contain anniversary dates of employment on the contract either with the current or predecessor Contractors of each such service employee. The Contracting Officer shall turn over such list to the successor Contractor at the commencement of the succeeding contract.

(o) Rulings and interpretations. Rulings and interpretations of the Act are contained in Regulations, 29 CFR Part 4.

(p) Contractor's certification.

(1) By entering into this contract, the Contractor (and officials thereof) certifies that neither it (nor he or she) nor any person or firm who has a substantial interest in the Contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of the sanctions imposed under section 5 of the Act.

(2) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract under section 5 of the Act.

(3) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

(q) Variations, tolerances, and exemptions involving employment. Notwithstanding any of the provisions in paragraphs (b) through (o) of this clause, the following employees may be employed in accordance with the following variations, tolerances, and exemptions, which the Secretary of Labor, pursuant to section 4(b) of the Act prior to its amendment by Pub. L. 92-473, found to be necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business:

Certain Provisions of the Federal Acquisition Regulations (FAR)

(1) Apprentices, student-learners, and workers whose earning capacity is impaired by age, physical or mental deficiency, or injury may be employed at wages lower than the minimum wages otherwise required by section 2(a)(1) or 2(b)(1) of the Act without diminishing any fringe benefits or cash payments in lieu thereof required under section 2(a)(2) of the Act, in accordance with the conditions and procedures prescribed for the employment of apprentices, student-learners, handicapped persons, and handicapped clients of sheltered workshops under section 14 of the Fair Labor Standards Act of 1938, in the regulations issued by the Administrator (29 CFR parts 520, 521, 524, and 525).

(2) The Administrator will issue certificates under the Act for the employment of apprentices, student-learners, handicapped persons, or handicapped clients of sheltered workshops not subject to the Fair Labor Standards Act of 1938, or subject to different minimum rates of pay under the two acts, authorizing appropriate rates of minimum wages (but without changing requirements concerning fringe benefits or supplementary cash payments in lieu thereof), applying procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act of 1938 (29 CFR parts 520, 521, 524, and 525).

(3) The Administrator will also withdraw, annul, or cancel such certificates in accordance with the regulations in 29 CFR parts 525 and 528.

(r) Apprentices. Apprentices will be permitted to work at less than the predetermined rate for the work they perform when they are employed and individually registered in a bona fide apprenticeship program registered with a State Apprenticeship Agency which is recognized by the U.S. Department of Labor, or if no such recognized agency exists in a State, under a program registered with the Office of Apprenticeship Training, Employer, and Labor Services (OATELS), U.S. Department of Labor. Any employee who is not registered as an apprentice in an approved program shall be paid the wage rate and fringe benefits contained in the applicable wage determination for the journeyman classification of work actually performed. The wage rates paid apprentices shall not be less than the wage rate for their level of progress set forth in the registered program, expressed as the appropriate percentage of the journeyman's rate contained in the applicable wage determination. The allowable ratio of apprentices to journeymen employed on the contract work in any craft classification shall not be greater than the ratio permitted to the Contractor as to his entire work force under the registered program.

(s) Tips. An employee engaged in an occupation in which the employee customarily and regularly receives more than \$30 a month in tips may have the amount of these tips credited by the employer against the minimum wage required by section 2(a)(1) or section 2(b)(1) of the Act, in accordance with section 3(m) of the Fair Labor Standards Act and Regulations, 29 CFR Part 531. However, the amount of credit shall not exceed \$1.34 per hour beginning January 1, 1981. To use this provision—

(1) The employer must inform tipped employees about this tip credit allowance before the credit is utilized;

(2) The employees must be allowed to retain all tips (individually or through a pooling arrangement and regardless of whether the employer elects to take a credit for tips received);

(3) The employer must be able to show by records that the employee receives at least the applicable Service Contract Act minimum wage through the combination of direct wages and tip credit; and

(4) The use of such tip credit must have been permitted under any predecessor collective bargaining agreement applicable by virtue of section 4(c) of the Act.

(t) Disputes concerning labor standards. The U.S. Department of Labor has set forth in 29 CFR parts 4, 6, and 8 procedures for resolving disputes concerning labor standards requirements. Such disputes shall be resolved in accordance with those procedures and not the Disputes clause of this contract. Disputes within the meaning of this clause include disputes between the Contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

(End of clause)

Certain Provisions of the Federal Acquisition Regulations (FAR)

52.222-42 Statement of Equivalent Rates for Federal Hires.

As prescribed in 22.1006(b), insert the following clause:

Statement of Equivalent Rates for Federal Hires (MAY 1989)

In compliance with the Service Contract Act of 1965, as amended, and the regulations of the Secretary of Labor (29 CFR part 4), this clause identifies the classes of service employees expected to be employed under the contract and states the wages and fringe benefits payable to each if they were employed by the contracting agency subject to the provisions of 5 U.S.C. 5341 or 5332.

This Statement is for Information Only: It Is Not a Wage Determination

Employee class	Monetary wage-Fringe benefits
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(End of clause)

[54 FR 19831, May 8, 1989]

52.222-43 Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiple Year and Option Contracts).

As prescribed in 22.1006(c)(1), insert the following clause:

Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiple Year and Option Contracts)
(Sep 2009)

(a) This clause applies to both contracts subject to area prevailing wage determinations and contracts subject to collective bargaining agreements.

(b) The Contractor warrants that the prices in this contract do not include any allowance for any contingency to cover increased costs for which adjustment is provided under this clause.

(c) The wage determination, issued under the Service Contract Act of 1965, as amended, (41 U.S.C. 351, et seq.), by the Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, current on the anniversary date of a multiple year contract or the beginning of each renewal option period, shall apply to this contract. If no such determination has been made applicable to this contract, then the Federal minimum wage as established by section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, (29 U.S.C. 206) current on the anniversary date of a multiple year contract or the beginning of each renewal option period, shall apply to this contract.

(d) The contract price, contract unit price labor rates, or fixed hourly labor rates will be adjusted to reflect the Contractor's actual increase or decrease in applicable wages and fringe benefits to the extent that the increase is made to comply with or the decrease is voluntarily made by the Contractor as a result of:

(1) The Department of Labor wage determination applicable on the anniversary date of the multiple year contract, or at the beginning of the renewal option period. For example, the prior year wage determination required a minimum wage rate of \$4.00 per hour. The Contractor chose to pay \$4.10. The new wage determination increases the minimum rate to \$4.50 per hour. Even if the Contractor voluntarily increases the rate to \$4.75 per hour, the allowable price adjustment is \$.40 per hour;

(2) An increased or decreased wage determination otherwise applied to the contract by operation of law; or

(3) An amendment to the Fair Labor Standards Act of 1938 that is enacted after award of this contract, affects the minimum wage, and becomes applicable to this contract under law.

Certain Provisions of the Federal Acquisition Regulations (FAR)

(e) Any adjustment will be limited to increases or decreases in wages and fringe benefits as described in paragraph (d) of this clause, and the accompanying increases or decreases in social security and unemployment taxes and workers' compensation insurance, but shall not otherwise include any amount for general and administrative costs, overhead, or profit.

(f) The Contractor shall notify the Contracting Officer of any increase claimed under this clause within 30 days after receiving a new wage determination unless this notification period is extended in writing by the Contracting Officer. The Contractor shall promptly notify the Contracting Officer of any decrease under this clause, but nothing in the clause shall preclude the Government from asserting a claim within the period permitted by law. The notice shall contain a statement of the amount claimed and the change in fixed hourly rates (if this is a time-and-materials or labor-hour contract), and any relevant supporting data, including payroll records, that the Contracting Officer may reasonably require. Upon agreement of the parties, the contract price, contract unit price labor rates, or fixed hourly rates shall be modified in writing. The Contractor shall continue performance pending agreement on or determination of any such adjustment and its effective date.

(g) The Contracting Officer or an authorized representative shall have access to and the right to examine any directly pertinent books, documents, papers and records of the Contractor until the expiration of 3 years after final payment under the contract.

(End of clause)

APPENDIX 4

February 1, 2016

PHYSICAL SECURITY STANDARDS FOR U.S. CUSTOMS & BORDER PROTECTION (CBP) BONDED FACILITIES

OBJECTIVE

To provide bonded facility proprietors with guidelines to ensure security of cargo handling facilities and cargos from point of receipt to shipping. It is incumbent upon bonded facility proprietors to develop and implement a sound security plan to demonstrate compliance with security criteria as identified by CBP. Bonded facilities as defined in this guideline are facilities that are used to store and stage international cargo, both bonded and non-bonded cargo, and domestic cargo for export. These facilities include both warehouse and Foreign Trade Zone operations.

APPLICABILITY

A written security plan should apply to all facility employees, visitors, vendors and outside carriers.

Security Planning and Management

Bonded facility proprietors will establish a security management team with a designated leader accountable to a senior executive. Bonded facility proprietors will develop a security plan and shall review not less than annually all procedures to verify required actions are implemented and effective. Security plans will be kept in a secure location and shared on a “need-to-know” basis with appropriate regulatory officials, employees and customers. Bonded facility proprietors will annually update a list of local, state and federal emergency contacts, local CBP contacts, and local public health official contacts.

THE SECURITY PLAN

Cargo handling and storage facilities must have physical barriers and deterrents that guard against unauthorized access. Bonded facility proprietors should incorporate physical security criteria throughout their facility as applicable.

Alarm Systems and/or Video Surveillance Cameras

Alarm systems and video surveillance cameras should be utilized to monitor premises and prevent unauthorized access to cargo handling and storage areas. Retrieval of recorded activities should be maintained for a reasonable period.

Building Structure

Buildings must be constructed of materials that resist unlawful entry and protect from outside intrusion. The integrity of structures must be maintained by periodic inspection and repair.

Facility Protection Systems

Facility protection systems, such as fire suppression and alarm systems, hazardous gas detection systems, and air scrubbers' should be secreted and monitored for unauthorized tampering or shut-down by an approved remote alarm company. The integrity of such monitored alarms should be periodically tested.

Yard Security

Perimeter fencing should enclose the area around cargo handling and storage facilities. In the event there is no perimeter fencing, procedural practices to secure the yard from unlawful entry and protection from outside intrusion must be documented.

Gates and Gate Houses

Where there are gates through which vehicles and/or personnel enter or exit, they must be manned and/or monitored. The number of gates should be kept to the minimum necessary for proper access and safety.

Lighting

Adequate lighting must be provided inside and outside the facility including the following areas: entrances and exits, cargo handling and storage area, fence lines and parking areas.

Locking Devices and Key Controls

All external and internal windows, gates and fences must be secured with locking devices. Management or security personnel must control the issuance of all locks and keys.

Parking

Private passenger vehicles should be prohibited from parking in or adjacent to cargo handling and storage areas. Visitor parking should be separated from employee and container parking.

Manifesting Procedures

To help ensure the integrity of cargo, procedures must be in place to ensure that information received from business partners is reported accurately and timely.

Physical Access Controls

Access controls prevent unauthorized entry to a facility, maintain control of employees and visitors, and protect company assets. Access controls must include the positive

identification of all employees, visitors and vendors at all points of entry. Bonded facility proprietors must establish secured waiting areas where drivers can be identified and allowed limited access for confirmed pickups and deliveries.

Shipping and Receiving

Arriving cargo must be reconciled against information on the cargo manifest. The cargo must be accurately described, and the weights, labels, marks and piece count indicated and verified. Cargo must be verified against purchase or delivery orders. Drivers delivering or receiving cargo must be positively identified before cargo is received or released.

Conveyance Security

The following elements outline a sound conveyance security process:

Procedures for the inspection of conveyance (trailers and containers) prior to loading with the awareness that no hidden compartments could conceal contraband;

Procedures for the inspection of vehicles of conveyance prior to loading to ensure that un-manifested materials are not shipped;

A process is in place for the refusal of vehicles of conveyance if they do not meet internal guidelines;

A process is in place to prevent unauthorized persons from gaining access to empty conveyance vehicles on the site;

A process is in place to prevent unauthorized persons from gaining access to conveyance vehicles which have been load and are ready for removal from the site;

A process in in place for approving and certifying transporting materials;

A process in place for securing that only certified carriers have access to material from the site.

Employees (Personnel)

Security Training and Threat Awareness

A threat awareness program should be established and maintained by security personnel to recognize and foster awareness of the threat posed by terrorists at each point in the supply chain. Employees must be made aware of the procedures the company has in place to address a situation and how to report it. Additional training should be provided to employees in the shipping and receiving areas, as well as those receiving and opening

mail. Additionally, specific training should be offered to assist employees in maintaining cargo integrity, recognizing internal conspiracies, and protecting access controls.

Personnel Security/Background checks/investigations

Process must be in place to screen prospective employees and to periodically check current employees. An employee identification system must be in place for positive identification and access control purposes. Employees should only be given access to those secure areas needed for the performance of their duties. Company management or security personnel must adequately control the issuance and remove of employees, visitor and vendor identification badges. Bonded facility proprietors must establish procedures for the issuance, removing and changing access devices (e.g., keys, key cards, etc.) and this must be documented.

Pre-Employment Verification

Application information such as employment history and references must be verified prior to employment. To the extent authorized by law, bonded facility proprietors will conduct employment screening, background checks and thorough interviewing prior to hiring.

Personnel Termination Procedures

Bonded facility proprietors must have procedures in place to remove identification, facility and system access for terminated employees. This should be documented.

Education and Awareness Training

The bonded facility proprietor should provide employees with a procedures manual that covers all processes supporting the operation of the warehouse facility.

The bonded facility proprietor should provide periodic internal training covering bonded facility activities including the importance of maintaining cargo integrity.

ACCESS CONTROLS

The Security Plan provides a process to positively identify and control the movement of all persons on site. Everyone on site is required to have and display a security badge certifying their approval to be on site.

Visitors

A process implemented to register and account for all non-company employees onto the Site (sign in/sign out procedures). Visitors must possess photo identification for Documentation purposes upon arrival. Visitors will visibly display temporary identification.

Deliveries (including mail)

Proper vendor identification (ID) and/or photo identification must be presented for documentation purposes upon arrival by all vendors. Arriving packages and mail must be periodically screened before being disseminated.

Challenging and Removing Unauthorized Persons

Procedures must be in place to identify, challenge and address unauthorized and/or unidentified persons.

INFORMATION TECHNOLOGY SECURITY

Password Protection

Automated systems must use individually assigned accounts that require a periodic change of password, IT security policies, procedures and standards must be in place and provided to employees in the form of training.

Accountability

A system must be in place to identify the abuses of IT including improper access, tampering or the altering of business data. All system violators must be subject to appropriate disciplinary actions for abuse.

CBP EVALUATION

A process is in place to verify company legitimacy by confirming contact names, a U.S. mailing address for the company, references, and verification of phone numbers. Reasonable care should be taken to understand the type of cargo that is arriving at the bonded facilities.



APPLICATION FOR IDENTIFICATION CARD

19 U.S.C. 66, 1551, 1555, 1565, 1624, 1641;
19 CFR 112.42, 118, 122.182, 146.6

1. Type Of Activity Requiring Identification Card <input type="checkbox"/> Cartman/Lighterman <input type="checkbox"/> Broker's Employee <input type="checkbox"/> CBP Security Area Identification <input type="checkbox"/> Warehouse Officer or Employee <input type="checkbox"/> Container Station Employee <input type="checkbox"/> Foreign Trade Zone Employee <input type="checkbox"/> CES Employee <input type="checkbox"/> OPR					2. Date
3. Name (Last, First, MI)		4. Social Security Number	5. Citizenship		Lawful Permanent Resident <input type="checkbox"/>
6. List Any Other Names You Have Ever Been Known By (Nicknames, aliases, etc.)					7. Date Of Birth
8. Home Address (Number, Street, City, State, and ZIP Code)		9. Name And Address Of Present Employer			
10. If you checked CBP Security Area Identification in block 1. Describe the employee's job description, responsibilities and zone requested"					
11. General Comments					
12. Home Phone Number		13. Mobile Phone Number	14. Email Address		
15. Business Phone Number			16. Employer Email Address		
17. Place Of Birth (City, County, State, and Country)		18. Height	19. Weight	20. Color Hair	21. Color Eyes
		22. Visible Scars Or Marks			
23. U.S. Coast Guard Port Security Card Number			24. U.S. Merchant Marine Card Number		
25. Have You Ever Applied For Card In Item 23 Or Item 24? <input type="checkbox"/> YES <input type="checkbox"/> NO (Skip Items 26 and 27)			26. Has Application For Card In Item 23 Or 24 Been Denied? <input type="checkbox"/> YES (If Yes, explain in Item 27) <input type="checkbox"/> NO (Skip Item 27)		
27. Explanation Of Application Denial					
28. List All Residences During The Last 5 Years (List in reverse order, beginning with the present address)					
DATES		Number and Street	City	State	Country
From	To				
	PRESENT				
29. Have You Ever Served In The Armed Services Of The U.S.? <input type="checkbox"/> YES <input type="checkbox"/> NO (Skip Items 30-34)			30. Branch Of Service		
31. Dates Of Service		32. Serial Number	33. Type Of Discharge		
34. If Discharge Was Other Than Honorable, Explain In Full Detail					

35. Have You Ever Applied For An Identification Card With U.S. Customs And Border Protection?

YES (If Yes, explain details)

NO

36. PREVIOUS EMPLOYMENT -- LIST IN CHRONOLOGICAL ORDER, GIVING EARLIEST EMPLOYMENT FIRST (Last 10 Years)

DATES		EMPLOYER ADDRESS	EMPLOYER NAME AND YOUR OCCUPATION
From	To		

37. Have You Ever Been Convicted Of Any Crime Or Offense Including Customs And Immigration Violations (Other than traffic violations, you may exclude any items which occurred before your 16th birthday) In This Country Or Elsewhere? YES (If YES, explain in Item 38.) NO

38. Explanation Of All Convictions (Federal, State, Military, or Foreign)

Date	Place	Charge	Court	Final Disposition

39. Do You Now Use Or Have You Ever Used Narcotic Drugs?

YES (If YES, explain below.) NO

40. Attach a Copy Of Any Of The Listed Acceptable Forms Of Identification Here

41. CERTIFICATION

I certify that all of the statements made in this Application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signature

Date

CBP Form 3078/OMB No. 1651-0008
DHS Privacy Act Statement

Pursuant to 5 U.S.C. § 552a(e)(3), this Privacy Act Statement serves to inform you of why DHS is requesting the information on this form.

A. AUTHORITY:

Collection of the information solicited on the CBP Form 3078/OMB No. 1651-0008, is authorized by 5 U.S.C. 301; 19 U.S.C. § 1551, 1565, 1624, 1641; and 19 CFR§ 112.42.

B. PURPOSE:

The primary purpose for soliciting this information is to enable CBP to conduct a background investigation and thereby determine whether the applicant meets the criteria required for the issuance of an identification card. Additionally, CBP solicits information through this form to enable CBP/Office of Personal Responsibility (OPR) to conduct a background investigation and thereby determine whether a visitor or contractor may be cleared to enter a CBP Port of Entry (POE).

C. ROUTINE USES:

CBP may provide information collected and contained in the applicant's file to those employees of CBP who have a need for the records in the performance of their duties. CBP may also use this information, when deemed appropriate, in a proceeding to revoke or suspend the identification card or CBP POE.

The information solicited on the CBP Form 3078/OMB No. 1651-0008 may be shared externally as a "routine use" to other government agencies to assist the Department of Homeland Security in investigating and assessing an applicant's eligibility for an identification card. A complete list of the routine uses can be found in the system of records notice associated with this form; DHS/ALL-023 Department of Homeland Security Personnel Security Management, October 13, 2020, 85 FR 64511, and DHS/ALL-026 Department of Homeland Security Personal Identity Verification Management System, June 25, 2009, 74 FR 30301. The Department's full list of system of records notices can be found on the Department's website at <http://www.dhs.gov/system-records-notices-sorn>.

D. CONSEQUENCES OF FAILURE TO PROVIDE INFORMATION:

Providing this information is not legally required and is voluntary. However, failure to do so may result in CBP's inability to conduct the background investigation required to issue the identification card or to grant clearance to CBP POE.