

SAMPLE CBP LETTER OF REQUIREMENTS

Port Sponsors (Port Authority and Terminal Operator Officials)

Dear Port Sponsors:

U.S. Customs and Border Protection (CBP) is providing this list of requirements the Port of Any Name Authority (PANA) and Seaport Terminal Operator (STO) must meet to establish a CBP Container Terminal Federal Inspection Services (FIS) operation at the the Port of **Any Name (PAN)** and other locations at the reconfigured Seaport Terminal Project (STP) and other locations prior to CBP staffing approval. Since CBP does not have information pertaining to the allocation of costs and responsibilities between PANA and STO, these two entities are referenced together throughout this letter. These basic requirements are provided as primary guidelines and it is understood that final funding obligations for meeting these requirements will be the responsibility of the PANA/STO. As with any government project, CBP's staffing approval is also contingent on the availability of appropriated funds.

1) **Free Space Lease**: The PANA/STO shall execute a lease enabling CBP occupancy at the modified/expanded/retrofitted/relocated/reconstructed and reconfigured CBP Container Terminal FIS location(s) at no cost to the Government. The leased space shall include, among other things, infrastructure necessary for installation of the government-furnished equipment (GFE) and PANA/STO-funded equipment required by CBP. CBP will provide a copy of the free space lease agreement for PANA/STO legal review, concurrence and signature prior to completed construction.

Execution of a free space lease agreement is a mandatory requirement to formalize each location where CBP operations occur, state what services are expected by the port authority and/or terminal operator.

2) **CBP Physical Security and Safety Requirements**: PANA/STO shall provide all equipment, installation and maintenance required to meet CBP physical and perimeter security measures and public and officer safety requirements for sustaining CBP Container Terminal FIS operations at the PANA/STO proposed STP modified/expanded/retrofitted/relocated/reconstructed and reconfigured CBP Container Terminal FIS location(s).

Minimum physical security and safety requirements include radiation portal monitor (RPM) booth access control and intrusion detection systems (IDS); a closed-circuit television (CCTV) monitoring system with color digital video recorder (DVR) capabilities for each CBP examination area and exterior RPM booth, lane and parking area camera coverages with CBP real-time monitoring capabilities from inside the CBP each RPM booth; electronic gate arms with interior booth CBP viewing and remote control capabilities via electronic switches; lane, booth, and exit safety speed bumps; and bollards/bumpers installations in the CBP booth and secured parking areas; and other definitive requirements that will be identified based upon final project designs. PANA/STO meets all of CBP physical security and safety hardware, equipment, installation, and power supply requirements, at no cost to the Government.

Although CBP has shared camera access in a number of port locations, such an arrangement is not current CBP policy. After the 9/11 events, CBP Internal Affairs policy prohibited shared operator-owned/controlled security systems/video feeds, except in locations where such agreements were reached pre-9/11. Current CBP Internal Affairs Physical Security policy requires CBP-controlled enforcement and security systems. CBP requires CCTV camera view ability with motion activated DVR color recordation capabilities for the exterior booth and secured CBP Government Owned

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Vehicle and/or Privately Owned Vehicle (GOV/POV) parking areas separate from and additional to inspection lane view ability. Since all GFE and CBP required ADP LAN, Data, Voice, IT and CCTV equipment and systems are connected to the CBP infrastructure via a T-1 Circuit, the PANA/STO shall also provide a T-1 Circuit to ensure establishment of a CBP only systems access, which is not shared.

PANA/STO shall also provide space for CBP manual inspections and/or tailgate activities, and equipment to ensure operational awareness for maintaining border, public and personnel safety by ensuring CBP uninterruptible visual lines-of-sight.

Site preparations and construction, infrastructure requirements, cabling, power and backup power supplies and services, and any other related installations required to establish CBP Container Terminal FIS operations at the Port of Any Name shall be the funding obligation of the PAN/STO. PANA/STO also furnishes all utilities and power supply required to keep all CBP Container Terminal FIS systems operational. It should be noted that any loss of power to CBP systems will compromise security and delay operations. Therefore, sufficient backup power is an essential to continuous CBP operations.

A CBP Physical Security Specialist (PSS) ensures camera feeds in CBP primary and secondary processing areas are isolated to CBP only use to ensure integrity of the inspection process is maintained. Presence of a CBP representative is required during all cable pulls. These requirements are deemed mission critical to CBP inspections at each FIS facility where CBP maintains an official law enforcement presence. CBP FIS will be impacted by the reduced number of human resources assigned to the port who will be required to perform manual operations concurrent with physically securing the CBP FIS areas during operational periods in event these requirements are not met by the PANA/STO.

These requirements are additional to those regulated by the Maritime Transportation Security Act (MTSA) outlined in 33 C.F.R. Subchapter H and part 105, which per the U.S. Coast Guard (USCG), are based upon the type and size of vessels received and cargo handled. The applicability of MTSA in no way precludes, excludes or exempts the PANA/STO from meeting CBP's security and safety requirements/regulations.

3) Information Technology (IT): PANA/STO must also fund all CBP Office of Information Technology (OIT) Automated Data Processing (ADP), LAN, Data, Voice, IT and T-1/Circuit/Switch and UPS backup requirements pursuant to the following conditions:

a. For all circuit connectivity costs, including equipment purchase, installation, connectivity, maintenance, and recurring costs, relative to standing-up and ensuring the continuous CBP FIS operations at the Port of Any Name CBP Container Terminal FIS locations.

b. The PANA/STO also have funding obligations for one-time and reoccurring charges for the T-1 Circuit, network, all annual ADP, LAN, Data, Voice, IT and UPS equipment maintenance costs, and any required replacement equipment costs. Project sponsors must also execute an agreement with CBP that enables CBP OIT to procure and possess required equipment for the duration of CBP Container Terminal FIS operations at the Port of Any Name.

c. The agreement will also specify that the PANA/STO will reimburse CBP OIT the cost of upgrading and replacing ADP equipment on a schedule determined by CBP (approximately every 3-5 years, as needed). CBP will provide the PANA/STO at least 30 days advance notice of required upgrades.

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- d. Equipment requirements and estimated costs will be identified by CBP. Actual costs may differ at time of procurement. Equipment ordering to installation requires 120-days.
- e. Presence of a CBP representative is required during all cable pulls.

CBP no longer funds requirements for field FIS facility projects, but holds these requirements mission critical to CBP inspections at each FIS operation. CBP LAN, Data, Voice Communications Systems and IT equipment requirements are standard minimums provided by the port authority, facility operator, and/or international transportation officials at every air, land, sea and special-use operation where CBP inspects persons, goods and things seeking entry at U.S. borders, as legally required.

4) CBP Container Terminal FIS RPM Operations Booth(s): PANA/STO must install at each CBP Container Terminal FIS RPM operational area an Inspections Booth that meets CBP specifications. PANA/STO also provides all site preparation, utilities infrastructure, construction, cable conduits, cable pulls, power and backup power supplies and services required to establish CBP Container Terminal FIS RPM operations at the Port of Any Name locations.

5) Project Design: The PANA/STO design proposed for establishing CBP Container Terminal FIS RPM operations at the Port of Any Name requires consultation with CBP and the Department of Homeland Security (DHS) Domestic Nuclear Defense Office (DNDO) RPM Program (RPMP) to ensure all CBP required infrastructure and construction build-outs and equipment installation locations are incorporated into the PANA/STO's final project design submitted for approvals and permits. PANA/STO shall also consult with CBP on all designs involving installation of CBP required operational equipment and/or location and layout of areas designated for execution of CBP inspection operations at the Port of Any Name. PANA/STO must also provide CBP with as-built plans of the construction build-out of the CBP Container Terminal FIS RPM operations at the Port of Any Name locations.

6) Radiation Portal Monitor Government Furnished Equipment (GFE) and Services: DNDO furnishes the Government's RPM equipment for CBP Container Terminal FIS operations. All DNDO GFE that will be provided to establish CBP Container Terminal FIS operations at the Port of Any Name will be identified along with equipment schedules with DNDO Final Design Input Drawings.

7) CBP Container Terminal FIS Non-Intrusive Inspections (NII) Equipment Demolition and Infrastructure Installation: NII equipment requirements and necessary infrastructure, demolition and installation requirements for expansions and modifications proposed to CBP Container Terminal FIS RPM operations are funded and provided by the PANA/STO. DNDO RPMP provides the RPM government furnished equipment (GFE) and first two years of maintenance. The PANA/STO demolitions existing CBP Container Terminal FIS operations at the proposed STP expanded/retrofitted/modified/relocated/reconstructed and reconfigured CBP Container Terminal FIS location(s) at the Port of Any Name. Demolition includes removal of existing RPM equipment required as a part of the project(s), and installation of any required CBP Container Terminal FIS non-RPM NII equipment and infrastructure, including any wire and infrastructure terminations. The PANA/STO shall be responsible for all costs associated with demolition.

The PANA/STO shall also fund installation requirements for all new GFE and all equipment and other requirements for CBP Container Terminal FIS, including per lane infrastructure, foundation

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construction, cable conduits, conduit pulls, and power and backup power supplies at all Port of Any Name locations.

8) Other CBP Container Terminal FIS Equipment Requirements: The CBP Non-Intrusive Inspections (NII) Division identifies any fixed, large-scale (non-RPM) and small scale NII equipment required at CBP Container Terminal FIS RPM operations to support the CBP detection and prevention of unauthorized importation, possession, or transportation of contraband at the Port of Any Name. When required by CBP, the PANA/STO must fund all costs to procure the required equipment and make the equipment operational at the Port of Any Name.

The PANA/STO funds all costs associated with any CBP required large and/or small-scale NII equipment for the Port of Any Name locations, including equipment procurement with 10-years of maintenance, logistics, installation, all training, and any equipment upgrades. The PANA/STO negotiates directly with the approved NII vendor and funds the procurement and maintenance costs for large and/or small scale non-RPM NII equipment that meets CBP requirements.

The PANA/STO also funds all future NII and other equipment upgrade/replacement costs on a schedule determined by CBP as approximately every 10-15 years, as needed. CBP will enter into discussions to mutually agree on projected replacement/upgrade timeframes, and identify replacement technology, which best enables the PANA/STO to plan for future replacement funding for the NII imaging systems installed.

Examples of other equipment often required at CBP Container Terminal FIS operations are CBP official Statutory, Identity, Way-finding, Directional and Informational signage, spreader bars, straddle carriers, gate arms, and traffic lights (non-inclusive), which are the equipment procurement, infrastructure construction, installation and operational funding obligations of the PANA/STO.

All aforementioned equipment/items/deliverables are critical to ensure the safe operation of fixed-NII equipment by CBPOs at the Port of Any Name. CBP FIS operations will be impacted by the number of CBP staff required to manually ensure all of the protections otherwise met by implementation of CBP requirements for ensuring safe CBP FIS operations in event the PANA/STO fails to meet CBP requirements.

9) Receiving, Staging and Physically Securing GFE: The PANA/STO shall receive and house all GFE delivered for use at CBP Container Terminal FIS operations in a proper and secured environment that ensures the safe and protected keeping and staging of such equipment until utilized by the Government at the Port of Any Name reconfigured locations. The PANA/STO must identify a Responsible Party at the CBP Container Terminal FIS location(s) who will be responsible for receiving and securing the GFE and the Shipping Address at the Port of Any Name.

The identified Responsible Party receiving and storing the GFE shall be the PANA/STO's agent for receiving and housing selected, large, industrially packaged items of GFE delivered to the PANA/STO terminals for use at CBP Container Terminal FIS operations. Such GFE shall be housed in a proper and secured environment that ensures the safe and protected keeping and staging of such equipment until utilized by the Government at the Port of Any Name locations.

Tampering with Law Enforcement equipment is prohibited as a degradation of performance can occur and CBP officer safety could be jeopardized during routing scanning operations. Safely securing all GFE will ensure neither loss of property nor tampering of GFE.

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Although PANA/STO funds all CBP OIT required equipment, HQ CBP OIT requires that all PANA/STO funded LAN/Circuit/Data/Voice Communications Systems and IT equipment be procured by and delivered to/received by a CBP-only designee/local CBP OIT, who solely possesses the equipment from completed procurement through installation and takeover of the established CBP Container Terminal FIS operations by CBP port personnel.

10) Cabling and Power Supply: The PANA/STO provides all cabling, power and utility supplies required at a location to ensure the continuous and safe performance of CBP Container FIS operations, including the procurement and installation of all cable conduits, data cabling and electrical and other utility components required to establish systems connectivity and powering and sustaining CBP Container Terminal FIS equipment and operations at the Port of Any Port locations.

Cabling and power supply requirements for CBP Container Terminal FIS ADP LAN/Circuit/Data and Voice systems and IT equipment and connectivity must meet CBP OIT specifications and terms.

The PANA/STO will notify CBP ahead of any cables being installed for CBP Container Terminal FIS operations to enable CBP presence during all cable pulls.

It is customary for CBP to require air and seaport and special-use authorities and/or operators to furnish conduits and cabling for CBP FIS operations. The PANA/STO must pull all fiber and communications lines that meet CBP specifications as required by CBP OIT and IA/PS to establish CBP Container Terminal FIS operations at the Port of Any Name terminals - at no cost to the Government.

11) CBP Ownership: CBP retains ownership of all government-furnished equipment installed to sustain the establishment of CBP Container Terminal FIS operations at the PANA/STO Port of Any Name project locations. CBP also retains sole possessory ownership of all upgrade equipment funded by the PANA/STO installed for CBP Container Terminal FIS operations for PANA/STO Port of Any Name project locations, including ADP LAN, Circuit, Data, Voice, IT and Physical Security equipment.

The PANA/STO shall grant CBP sole possession and ownership to be the sole operator of all NII and ADP LAN, Circuit, Data, Voice, IT and Physical Security equipment required for CBP Container Terminal FIS and funded by the PANA/STO.

12) CBP Shared Cost Initiative: The CBP Shared Cost Initiative does not require an administrative process pursuant to the the Unfunded Mandates Reform Act (UMRA), Public Law 104-4, as CBP has legal authority to require CBP Container Terminal FIS project sponsors to provide free inspectional space. It is not that the mandate is unfunded, rather it is that the project sponsors are expected to fund such requirements.

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Attachment A

**Table A.1 – [Insert Port Authority's Acronym]/[Insert Terminal Operation's Acronym]
Port of [Insert Port Name] [Insert Project's Name] Roll-Up of Responsibilities**

Note: [PA]/[TO] is where the both the Port Authority's Name/Terminal Operator's Name are entered.

Requirement Type	Summary of [PA]/[TO] Funding and Other Responsibilities	Cost Estimate
CBP Free/Nominal Fee Lease	Execute a free space lease enabling CBP occupancy at no cost to the Government.	Not applicable.
CBP Physical Security	Provide all equipment, installation and maintenance required to meet CBP physical and perimeter security measures and border, public and officer safety requirements.	- CBP identifies all specifications for physical and perimeter security equipment required for CBP Container Terminal FIS, which will be procured, installed and maintained by [PA]/[TO].
	Fund site preparation and construction, infrastructure requirements, cabling, power and backup power equipment, supplies and services, and any other related installations for CBP security and safety requirements.	- [PA]/[TO] funds and and completes.
	Furnishes all utilities and power supply required by CBP.	- [PA]/[TO] funds all, including monthly service fees.
CBP RPM Preparedness Requirements for GFE.	Funds site preparation and construction, infrastructure and T-1 Circuit requirements, cabling, power and UPS backup power supplies and services, and any other related installations for CBP RPM Federal Inspection Services (FIS) operational requirements.	- CBP identifies all specifications, including backup power supply required for CBP Container Terminal FIS for [PA]/[TO] to fund and complete.
	Furnishes all utilities and power supply required by CBP.	- [PA]/[TO] funds all, including monthly service fees.
CBP RPM Operational Information Technology (IT) Requirements	Funds all costs associated with the procurement, installation and maintenance of all required CBP IT Automated Data Processing LAN, IT Data (ADP) and Voice Communications Systems, including T-1 Circuit and UPS Backups (separate from that for RPMs) and CBP connectivity and Equipment for RPM FIS operations.	- CBP OIT identified all ADP (LAN, Data, IT) and Voice equipment requirements to be funded by [PA]/[TO]. - [PA]/[TO] funds.

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Requirement Type	Summary of [PA]/[TO] Funding and Other Responsibilities	Cost Estimate
CBP RPM FIS Booth Requirements	Responsible for all construction costs associated with installing inspection booth(s) required for CBP operations.	<ul style="list-style-type: none"> - [PA]/[TO] funds and procures the RPM booth(s). - [PA]/[TO] funds all infrastructure, construction and installation(s).
	Procures and installs a RPM Booth that meets CBP Booth specifications, including furniture, equipment , and furnishings, at each CBP Container Terminal FIS operational area as designated in the DNDO RPMP delivered unstamped design.	[PA]/[TO] funds all RPM Booth requirements for CBP Container Terminal FIS operations.
	Install all inspection-booth-related government furnished equipment (GFE) and all other equipment except that equipment subject to CBP OIT terms.	<ul style="list-style-type: none"> - CBP OIT identified all ADP (LAN, Data, IT) and Voice equipment requirements to be funded by [PA]/[TO]. - [PA]/[TO] funds all non-GFE.
	Provide all CBP-inspection-booth-related site preparation, utilities infrastructure, construction, cable conduits, cable pulls, power and backup power supplies and services.	<ul style="list-style-type: none"> - CBP identifies all specifications. - [PA]/[TO] funds and completes.
	Prepares a detailed site design plan incorporating DNDO RPMP provided un-stamped designs for inclusion in the detailed project plans and permits. Provide construction, installation and infrastructure required for RPM deployment. Install all inspection-booth-related government furnished equipment (GFE) and other equipment except that equipment subject to CBP OIT terms.	- [PA]/[TO] Incorporates DHS DNDO RPMP provided unstamped designs, including booths into detailed site designs, and funds all project permits.
CBP RPM FIS Operational Design Requirements	Provide CBP with as-built plans of the construction build-out. Prepare a detailed site design plan incorporating DNDO RPMP unstamped designs and permits. Provide construction, installation and infrastructure services regarding RPM deployment.	[PA]/[TO] to deliver as-built plans for the project to CBP within 30 days of each completed project phase.

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Requirement Type	Summary of [PA]/[TO] Funding and Other Responsibilities	Cost Estimate
	Responsible for all costs associated with all permitting requirements, including the unstamped-designs delivered by DNDO RPMP. Provide CBP with as-built plans of the construction build-out.	[PA]/[TO] funds all permitting costs, including that for unstamped designs delivered by DHS DNDO RPMP, which are the mandatory RPM designs for establishing CBP Container Terminal FIS operations at a port.
	Procurement and installation for all CBP-required operational signage: Identity, Security, Safety, Way-Finding, Directional and Informational.	- CBP identifies official signage requirements based on 100% completed designs. - [PA]/[TO] funds all costs.
	Receive, secure, store and stage, at no cost to the Government, all GFE; and procurement, infrastructure construction, installation and operational funding obligations for CBP-required equipment such as Statutory, Identity, Way-Finding, Directional and Informational signage; spreader bars; straddle carriers; gate arms; and traffic lights.	- [PA]/[TO] obligation.
	Responsible for all costs associated with demolition and installation of all NII equipment and infrastructure; and receive, secure and stage, at no cost to the Government, including all GFE.	- [PA]/[TO] obligation.
	Funds all costs to make operational any existing and/or salvageable government-furnished NII equipment offered by CBP to the Port of [Port Name], including costs for systems assessment and upgrades to ensure the NII systems are fully functional and meets operational requirements. Responsible for all costs associated with demolition and installation of any NII equipment and infrastructure whether offered by CBP as GFE or procured by the [PA]/[TO].	[PA]/[TO] obligation.

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Requirement Type	Summary of [PA]/[TO] Funding and Other Responsibilities	Cost Estimate
NII-Related	Fund all costs associated with any CBP required, or offered, small and/or large-scale NII equipment including logistics, installation, training, equipment upgrades, and 10-year maintenance. Funds all costs to make operational any existing and/or salvageable NII offered for use at the Port [Name].	- [PA]/[TO] obligation.
	Responsible for all costs associated with any CBP required small and/or large-scale NII including but not limited to initial setup, reoccurring, and annual Operations and Maintenance (O&M). Funds all costs associated with any CBP required, small and/or large-scale NII equipment including logistics, installation, training, equipment upgrades, and 10-year maintenance.	- [PA]/[TO] funds all costs. - Future replacement/upgrade acquisition costs will need to be determined/ extrapolated based upon industry-standard costs, and are the [PA]/[TO] funding obligation.
Internal Affairs Physical Security and Safety	Funds all future CBP required NII and other equipment replacement and upgrade costs on a schedule determined by CBP, as needed (approximately every 10-15 years). Responsible for all additional costs associated with small and/or large-scale NII including but not limited to initial setup, reoccurring, and annual Operations and Maintenance (O&M).	- [PA]/[TO] funds all costs for maintenance of CBP required small and/or large-scale systems. - Future replacement/upgrade acquisition costs will need to be determined/ extrapolated based upon industry-standard costs, and are the funding obligations of the [PA]/[TO].
	Site preparation for, procurement and installation of all safety and protective equipment required for public and officer safekeeping or to increase operational efficiencies during CBP RPM FIS exams. Requirements are determined by the 100% approved design plan. Miscellaneous equipment includes speed bumps; spreader bars; straddle carriers; electronic gate arms; and traffic lights.	- CBP to specify quantity, type and installation locations for miscellaneous equipment that are the [PA]/[TO] funding obligations. - [PA]/[TO] to fund, procure and install equipment required.