

**U.S. CUSTOMS AND BORDER PROTECTION
FIELD OPERATIONS, NEW YORK
PORT OF NEW YORK/NEWARK**

INFORMATIONAL PIPELINE NO. 23-014-NWK

TO: All Importers, Carriers, Terminal Operators, CES Operators, Brokers,
and Others Concerned

SUBJECT: Announcement of Centralized Examination Station Application Period
and Selection Process for the Port of New York/Newark

DATE: **May 1, 2023**

REFERENCES: 19 C.F.R. §118; 19 C.F.R. §151.1-7, 15; 48 C.F.R. §22.103-5(a); 48 C.F.R. §22.1006(a),(b),(c)(l) Port of New York/Newark Informational Pipeline No. 09-014-NWK (Confidentiality and Timeliness of U.S. Customs and Border Protection Seaport Anti-Terrorism Cargo Exams - dated 6/9/09); Port of New York/Newark Informational Pipeline No. 14-002-NWK (Cold Treatment/Perishable Containers and CES Pilot Operation Plan for Extended Hours of Operation - dated 11/5/13); Port of New York/Newark Informational Pipeline No. 15-017-NWK (Processing and Transfer of Consolidated Containers with CBP Holds-dated 5/21/15); Port of New York/Newark Informational Pipeline No. NYFO-13-014 (Implementation of U.S. Customs and Border Protection's Background Vetting Process for Bonded Facility Employees-dated 1/4/13)†

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

PURPOSE: This informational pipeline is being issued to notify the importing community that U.S. Customs and Border Protection (CBP) is now accepting applications to operate Centralized Examination Stations (CES) in the New York/Newark area. The initial phase of the process will consist of a 60-day application period, or "open season." Public comments regarding whether a new CES should be established or whether there is still a need for a CES are also invited and are due thirty (30) days from the issuance of this notice. The Port Director is required to issue this informational pipeline pursuant to 19 C.F.R. §118.2.

DEADLINES:

- Applications to operate a CES must be received by 4:00 pm EST on July 1, 2023, which is 60 calendar days from the date of the issuance of this notice. Applications received after this date and time will not be considered. Applications found to be incomplete may not be considered.
- Public comments must be received by 4:00 pm EST on June 1, 2023, 30 calendar days from the date of this notice.

BACKGROUND:

A CES is a privately operated facility where import or export cargo that has been designated by CBP for examination is made available for inspection by CBP. The rules for establishing and selecting a CES are delineated in Title 19, Code of Federal Regulations, Part 118.

CBP has worked diligently with the trade community to reduce delays in the cargo examination process and to improve overall service and efficiency. CBP is currently seeking CES Operators who meet the below requirements. The term of designation as a CES will commence from the full execution of a written agreement with CBP and conclude on or about January 9, 2027, as long as the term is for at least three years. 19 C.F.R. 118.3.

In order to continue to facilitate the movement of cargo and provide competitive service to the trade community in the Port of New York/Newark, CBP is initiating this announcement and selection process for CES applicants.

The selected applicant(s) must comply fully with the requirements of Executive Order 12989, (as amended by Executive Orders 13286 and 13465) dated February 13, 1996, particularly with Sections 1 (a) and (b) which pertain to the unlawful employment of aliens and anti-discrimination requirements of the Immigration and Nationality Act and of any other applicable laws or regulations. These requirements apply to all persons working, assigned and/or detailed to a CES facility, including any casual and/or temporary labor utilized by a CES operator.

The Department of Labor (DOL) has concluded that all CES written agreements are subject to the Service Contract Act (SCA) and certain provisions of the Federal Acquisition Regulation (FAR). The applicable sections of the FAR include (see Attachment titled "Federal Acquisition Regulations"):

52.222-1 (FEB 1997 - 48 C.F.R. §22.103-5(a)), Notice to the Government of Labor Disputes

52.222-41 (JULY 2005 - 48 C.F.R. §22.1006(a)), Service Contract Act of 1965, as Amended

52.222-42 (MAY 1989-48 C.F.R. §22.1006(b)), Statement of Equivalent Rates for Federal Hires

52.222-43 (SEPTEMBER 2009-48 C.F.R. §22.1006(c)(1)), Fair Labor Standards Act and Service Contract Act - Price Adjustment (Multiple Year and Option Contracts)

The purpose of the SCA is to:

- ensure workers are fairly compensated
- ensure workers receive adequate fringe benefits
- ensure workers have safe and sanitary working conditions

CBP has reviewed the occupational categories listed in the DOL SCA Directory of Occupations and has determined that the following labor categories are appropriate:

- Forklift Operator
- Shipping Packer
- Warehouse Specialist
- Material Handling Laborer

CBP will provide successful applicants with the DOL prevailing wages for the relevant occupational categories at the time of initiation of CES status. It is the CES Operator's responsibility to regularly check the DOL website for any changes in these wages required by DOL and to comply with all DOL requirements. The website on prevailing wages can be found at: <https://www.dol.gov/agencies/eta/foreign-labor/wages/prevaling-wage>

NEED FOR A CES:

The Port Director will evaluate each application submitted against a matrix of factors to determine the number and type of CES facilities that will best meet the needs of CBP, facilitate the movement of cargo in the Port, and provide competitive service to the trade community in the Port of New York/Newark. During the CES selection process, the information in the application and the facilities of the applicants will be evaluated and scored. These scores will be used in the final selection process.

CES TYPES:

Potential applicants are advised that the Port of New York/Newark is currently seeking one type of CES:

- **Comprehensive CES** - A CES to perform all CBP physical examinations at one location. Includes all enforcement Anti-Terrorism Contraband Enforcement Team (A-TCET) examinations, including Outbound examinations, Trade Compliance examinations, Non-Intrusive Inspection (NII) examinations, and Agriculture examinations.

AREA OF CONSIDERATION:

The geographic boundaries of the area of consideration for potential CES locations for this announcement will be within eleven (11) miles of 1210 Corbin Street, Elizabeth, NJ 07201 (see attached map - for illustrative purposes only). Geographic location will be a factor in the selection process. A location that best meets the resource needs of CBP and of the trade community will be a consideration. A higher score will be assigned based on the proximity of any proposed facility to marine terminals in the Port of New York and New Jersey. For this interim solicitation, CBP is highly focused on locations to service marine terminals located in New York.

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 tentative selection of another applicant or re-publication of the notice soliciting applications. The Agreement will specify the duration of the authority to operate the CES. Pursuant to Federal Regulation, the duration of the authority to operate the CES will not be less than three years or more than five years.

By signing the written agreement, as outlined in 19 C.F.R. §118.3, the CES operator agrees to take on the responsibilities as specified in 19 C.F.R. §118.4, the Service Contract Act, the applicable provisions of the Federal Acquisition Regulation (FAR), Executive Order 12989, (as amended by Executive Orders 13286 and 13465) and the CES agreement. The CES operator agrees to:

- a. Comply fully with the requirements of Executive Order 12989 (as amended by Executive Orders 13286 and 13465) dated February 13, 1996, particularly with Sections 1 (a) and (b), 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 CES operator;
- b. Comply fully with the Department of Labor regulations subject to the Service Contract Act and the applicable provisions of the Federal Acquisition Regulation (FAR);
- c. Maintain the facility designated as the CES in conformity with the security standards as outlined in the application and in the "Physical Security Guidelines for CBP Bonded Facilities";
- d. Provide adequate personnel and equipment to ensure reliable service and provide that service on a "first come-first served" basis, unless otherwise directed by CBP (including but not limited to prioritizing cargo for "front of the line" service for all C-

TPAT participants and perishable cargo). This includes the personnel required to respond to customer service inquiries and provide timely billing to customers;

- e. Ensure that assessed fees are limited to those included in the application submitted to CBP and post their fee schedule, as approved by the Port Director, to their company website. Any changes to a fee schedule must be submitted in writing to the Port Director at least 90 calendar days in advance of such proposed fee schedule change and are subject to the requirements listed in 19 CFR § 118.5. Failure to comply with these requirements may lead to suspension or revocation of CES status pursuant to 19 C.F.R. § 118.21;
- f. Be subject to annual audits of their billing to ensure adherence to their posted fee schedules;
- g. Maintain a website accessible to the public and provide a container availability system, so that importers, their agents, customs brokers and other interested parties may check on the status of shipments. 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, bill of lading number, and container number;
- h. Assume responsibility for any charges or expenses incurred in connection with the operation of the CES;
- i. Maintain, at his/her own expense, adequate liability insurance with respect to the property within his/her control and persons having access to the CES;
- j. Keep a current list of all employees involved in the CES operation, including all casual and/or temporary labor if utilized, and make the list available to CBP upon request. Additions to or deletions from the list will be submitted in writing to the Port Director within 10 calendar days of the commencement or termination of employment;
- k. Submit the fingerprints of all employees involved in the CES operation to CBP (including all casual and/or temporary labor, if utilized);
- l. Maintain a CBP custodial bond in an amount set by the Port Director; the CES operator will accept and keep safe all merchandise delivered to the CES for examination. The bond will include liability for transporting merchandise to the CES from within the district boundaries (see definition of "district" at 19 C.F.R. §112.1); such liability is assumed by the CES operator when the CES operator picks up merchandise for transportation to the facility. The operator also agrees to increase the amount of the bond if deemed necessary by the Port Director;
- m. Maintain and make available for CBP examination all records connected with the operation of the CES and retain those records for no less than five years from the date of transaction or examination;

- n. Provide office space, parking spaces, appropriate sanitary facilities, and potable water to CBP personnel at no charge or a charge of \$1 per year;
- o. Provide the office equipment necessary for the operational activity of CBP;
- p. Fund, install and/or maintain certain voice and data communications equipment. The CES operator is responsible for all initial circuit costs and to fund recurring circuit costs. The CES operator shall provide and install all systems infrastructure for both the data processing and voice communication systems in accordance with the Attachment "CES OIT Requirements";
- q. Ensure that the CES facility complies with applicable Occupational Safety and Health Act (OSHA) requirements. All costs associated with such compliance shall be borne by the CES;
- r. Provide transportation and assume liability for the merchandise to and from the CES from within the district boundaries as directed/applicable; such liability is assumed by the CES operator when the merchandise is picked up for transportation to his/her facility; provide GPS tracking of said merchandise during transportation with geo-fences, set in collaboration with CBP, to ensure the integrity of the merchandise and provide CBP access to the monitoring software;
- s. Provide an Automated External Defibrillator (AED) in the CES;
- t. Utilize "E-Verify" to determine an employee's eligibility for employment by the CES in any capacity (please see the E-Verify website <https://www.e-verify.gov/> for more information regarding enrollment and use). U.S. law requires companies to employ only individuals who may legally work in the United States - either U.S. citizens, or foreign citizens who have the necessary authorization. The operator must maintain records of this verification; the employment of individuals who cannot legally work in the United States may lead to suspension or revocation of CES status.
- u. Adhere to the requirement that all freight is to be delivered to CBP within the required timelines and not to be delayed due to any uncollected terminal or CES fees. Cargo selected for an Enforcement Exam must be moved to the CES exam site within one business day of receipt of the transfer authorization from CBP (see New York/Newark Informational Pipeline No. 09-014-NWK, Confidentiality and Timeliness of U.S. Customs and Border Protection Seaport Anti-Terrorism Cargo Exams - dated 6/9/09);
- v. Maintain a separate Homeland Security Presidential Directive 12 ("HSPD-12") compliant access-controlled alarm system and motion detection Closed Circuit Television (CCTV) with a Color DVR Recordation System and remote viewing

capability for accessing and monitoring all of the CBP areas 24 hours daily, seven days weekly, with a minimum 30-day retention period, and be provided by the CES operator;

- w. All CBP areas shall be accessible to CBP personnel at all times;
- x. Maintain a professionally installed intrusion detection system (IDS) for CBP controlled space that is separate from the CES operator's IDS. Any IDS that monitors CBP areas must be controlled by CBP, with restricted access from the public and/or unauthorized CES personnel;
- y. If a Marine Terminal Operator applies to operate a CES, the proposed facility must be completely segregated from terminal operations and have dedicated employees for the CES operation. Such staffing must be sufficient to meet the standards of 19 C.F.R. § 118.4(b) to ensure reliable service; all merchandise must exit the terminal and undergo radiation screening prior to arrival at the CES;
- z. The Port of New York/Newark CES examination process is supplemented by Consumer Product Safety Commission (CPSC) employees who are co-located at the CES and as such selected CES Operators will be expected to enter into a separate agreement with CPSC;
- aa. Comply with all applicable federal, state, and local laws, ordinances and regulations, as they would apply to the fulfillment of the responsibilities and service provisions as a designated CES operator; and
- bb. Perform in accordance with any other reasonable requirements imposed by the Port Director.

Failure to timely facilitate the flow of trade or meet any of the above requirements may result in the Port Director exercising his/her authority to direct the transfer of merchandise to another CES (19 C.F.R. § 151.1S(d)). It may also lead to suspension or revocation of CES status pursuant to 19 C.F.R. § 118.21.

APPLICATION PROCESS:

All interested parties must submit the attached CES Application Form (Appendix A) and the corresponding CES Rate Schedule (Appendix B). If any additional information is required and cannot fit on the application document, then a referenced addendum may be attached to the application package.

Potential applicants are advised that all information and materials submitted in the application process become the property of U.S. Customs and Border Protection. 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 CES operator privileges.

Specifically, if upon review it is determined that the applicant, or 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, a misdemeanor involving theft, or a theft-connected crime, that applicant will be precluded from any further consideration in obtaining CES operator privileges.

In addition, previous 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 CBP Port of New York/Newark Port Director, will be considered and may preclude the applicant from further consideration.

Applicants are requested to provide an "Authorization for Release of Information" (Attachment "CES Release") for all persons that have a direct or indirect financial interest in the proposed CES operation and are 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 Port Director will select the applicant(s) that best meet the examination needs of CBP and have the ability to facilitate the movement of import/export cargo as directed by CBP. Additional points will be assigned based on the extent to which minimum requirements are exceeded, as well as the evaluation criteria. For example, any CES who employs added systems beyond those required to ensure the security of the cargo handled (electronic card access readers, license plate readers, integrated CCTV/location tracking surveillance system, etc.) would receive additional points toward their overall scoring.

The CES operator must be an Automated Commercial Environment (ACE) Service center in order to operate a CES in the Port of New York/Newark. Additional information can be found at the following link:

<https://www.cbp.gov/trade/automated/technical/ace-import-manifest-documentation>

Each applicant's facility will be rated for potential growth capability by the CES review team utilizing a standardized points rating system. The growth capability will be determined from the percentage that the applicant's facility exceeds the specifically designated minimum requirements, relative to each area.

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 physical characteristics of the potential CES location must meet certain minimum standards (see attached requirements for each CES type). Failure to provide the required information will preclude further consideration of the application. Applicants that fail to meet any of the minimum standards

will receive a lower score than applicants who have met or exceeded the requirements set forth in this solicitation. Pursuant to 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 to be contacted for further information;
2. Provide an identification of the applicant and type of business entity, e.g., corporation, partnership, sole proprietorship, or other legal identity.
 - Corporations must provide a certified extract of the articles of incorporation;
 - Partnerships must provide a signed copy of the partnership agreement;
 - Fictitious or assumed names - if the applicant is conducting business under a fictitious or assumed name, so state and provide a copy of the fictitious or assumed name filing; and
 - 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
 - Home address
 - Date of birth
 - Place 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.

4. Provide a list of all employees involved in the CES operation setting forth their names, date of birth and social security numbers. Providing social security numbers is voluntary; however, failure to provide the numbers may hinder the investigation process (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 numbers three and four above 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.
6. Any changes (new hires, resignations, removals, etc.) in employee status must be provided to the Port Director in writing within 10 calendar days of the change.

7. Provide the fingerprints of all persons who have a direct or indirect financial interest in the proposed CES operation and all officers and managing officials of the proposed facility.
8. Provide written notification to the Port Director immediately, or at the latest, within 24 hours 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.
9. Provide a description of the CES site's accessibility and distance from the Port, railhead, and roadway access points. For purposes of this pipeline, the starting point for calculating distance from the Port will be 1210 Corbin Street, Elizabeth, NJ 07201.
10. Provide a floor plan of the facility actually dedicated to the CES operation showing bay doors, exterior features, security features, and staging and workspace. In addition, a schematic drawing must be provided for any other structures associated with the CES as well as the yard space to be utilized in CES operations.
11. Provide a detailed list of equipment and explanations of logistical capability that confirms that the applicant will 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 employed.
12. Provide a detailed explanation of the applicant's strategy to continue operating in the event of a chassis shortage.
13. Provide a detailed explanation of the applicant's strategy to continue operating in the event of a genset shortage.
14. Provide facility's contingency plan for power outages. Facility should be capable of providing backup power equivalent to 150% of the facility's needs.
15. Provide dedicated office space area for CBP use.
16. Provide secure storage space for detained or seized merchandise.
17. Provide a schedule of fees utilizing the attached CES Rate Schedule (Appendix B) clearly showing what the applicant will charge for each type of service. The fee grid should reflect any special costs incurred by the applicant, such as facility modifications to meet specific cargo handling, storage requirements, or CBP security standards. The fees set forth in the 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 of a 40-foot container will be reviewed during the evaluation process. If any of these fees are deemed excessive, that fact may be

considered in selection. The amounts of fees charged for various services will be a factor that may be considered in selection.

18. The CES operator 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. This does not prohibit legitimate fee arrangements between a CES operator 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 CES operator's fee schedule as required by 19 C.F.R. §§ 118.4 and 118.5.
19. Provide proof of an approved custodial bond in the amount of at least \$100,000, or a greater amount, as set by the Port Director. If the applicant does not currently possess such a bond and is selected to operate a CES, one must be obtained prior to the execution of a CES agreement. Bond applications should be submitted on CBP Form 301 to bondquestions@cbp.dhs.gov. Additional information can be found at the following link: <https://www.cbp.gov/trade/priority-issues/revenue/bonds/ebond>.
20. The operator also must agree to increase the amount of the bond if deemed appropriate by the Port Director.
21. Provide a detailed description of the applicant's experience with international cargo operations and knowledge of CBP procedures and applicable regulations or a commitment to acquire that knowledge.
22. 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.
23. Provide information regarding the procedures for the detection, decontamination, and removal of hazardous material. The CES operator 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.
24. Describe the facility's capability to handle the transport and storage of refrigerated containers and to provide the temporary cold storage warehousing of cargo to facilitate the CBP examination process:
 - a) Storage - Number of electrical outlets dedicated to providing power to refrigerated containers within the confines of the secured facility;
 - b) Genset inventory and/or availability; and
 - c) Examinations - Ability to provide temporary cold storage warehouse space or alternative options to facilitate the examination of perishable cargo in a cold storage environment, such as privately owned or controlled refrigerated containers.

*** NOTE: Applicants are advised to refer to the minimum requirements portion of this pipeline. Applicants that fail to meet any of the minimum standards will receive a lower score than applicants who have met or exceeded the requirements set forth in this solicitation.**

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 CES operator cannot be sold, transferred, inherited, or conveyed in any manner (19 C.F.R. §118.3).

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

The CBP Office of Administration (OA) Project Manager (PM) has final approval authority for meeting CBP facility design requirements as these relate to CBP Port operational requirements and will provide official CBP specifications to the CES Operator, as needed.

Any materially false statement on the application will result in disqualification and possible prosecution under the provisions of 18 U.S.C. §1001.

SELECTION PROCESS:

After the 60-day application period has expired, the Port of New York/Newark will issue another informational pipeline informing 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
- List of equipment at the facility
- Number of employees to be involved in the CES operation

After *this* information has been published, interested parties will have another 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
1210 Corbin Street
Elizabeth, NJ 07201
Attention: Port Director TenaVel Thomas

In addition, a Microsoft Office "WORD" document should be emailed to:

lucille.cirillo@cbp.dhs.gov

A facility site survey will be conducted for each potential CES facility for which CBP has received a timely and complete application package addressing 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 attachment. Additional points will be assigned based on the extent to which minimum requirements are exceeded, as applicable to the designated evaluation criteria.

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 Review Team, the Port Director shall make the final determination on the number of needed CES facilities and tentatively select the applicant(s) that will be granted authority to operate a CES.

Applicants tentatively selected to operate a CES will be notified in writing; applicants not selected will be notified in writing and provided a statement indicating the reason for non-selection. A Public Bulletin will be issued to advise the trade community of the tentative selection(s).

Tentative selectees will be 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
- Home address
- Date of birth
- Place 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, 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.

Tentative selectees will be requested to provide an "Authorization for Release of Information" (Attachment "CES Release") for all persons listed in the above paragraphs upon notification of the tentative selection. The submission of this release is voluntary;

however, failure to provide the "Authorization" and/or requested information may hinder the investigation process.

Final selections for CES operator(s) 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(s) of either final selection or non-selection.

An Informational Pipeline will be issued to advise the public of the final selection(s) and the date on which the CES(s) will commence operation.

If significant capital expenditure would be required to make an existing facility meet security and/or other physical or equipment requirements necessary for the CES operation, an applicant may request, in the application, time to conform the facility to such requirements. Upon request in the application, the Port Director may grant up to 60 days from the date of the Informational Pipeline announcing the CES selection(s) to bring the facility into conformity with CBP requirements. If deemed necessary by the Port Director, one additional 30-day extension period may be granted. 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 Agreement being executed. If the requirements are not met, the tentative CES selection will be withdrawn and another applicant selected.

The Port Director will select the applicant(s) 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.

WHERE TO SEND APPLICATIONS AND COMMENTS:

Applications and comments must be submitted in writing to:

U.S. Customs and Border Protection
1210 Corbin Street
Elizabeth, NJ 07201
Attention: Port Director TenaVel Thomas

In addition, a Microsoft Office "WORD" document should be emailed to:

lucille.cirillo@cbp.dhs.gov

Applications must be received by 4:00pm on July 01, 2023.

Applications received after this deadline will not be considered. Applications found to be incomplete may not be considered.

If you have any questions or require any of the publications referenced in this Informational Pipeline, please contact the CES Coordinator/ Deputy Chief Officer Lucille Cirillo at (201) 443-0338 or lucille.cirillo@cbp.gov.



TenaVel T. Thomas
Port Director
Port of New York/Newark

Attachments:

Enforcement - Trade Compliance CES Requirements
Agriculture CES Requirements
CES OIT Requirements
CES Release
Federal Acquisition Regulations
Appendix A1 Enforcement - Trade Compliance Application Appendix A2 Agriculture CES Application
Appendix B1 Enforcement - Trade Compliance CES Fees Appendix B2 Agriculture CES Fees
Area of Consideration - Illustrative Map