

**U.S. CUSTOMS AND BORDER PROTECTION**  
**Department of Homeland Security**

INFORMATIONAL NOTICE

PORT OF ATLANTA PIPELINE      Date: February 8, 2006  
06-02

TO:                    Customs Brokers, Importers, Carriers, Terminal Operators, Bonded  
Warehouse Proprietors, CFS Operators, CES Operators and Others  
Concerned

SUBJECT:          Port of Atlanta, Georgia Centralized Examination Stations Solicitation

**1. Purpose**

To advise the importing community the selection process for Centralized Examination Stations (CES) in the Port of Atlanta, Georgia is open and to provide guidelines for the application process.

**2. Scope**

This solicitation is for applicants within the port area's jurisdiction in the State of Georgia. The CES agreement will expire on October 1, 2010.

The Port Director has determined that a second CES facility is required in the jurisdiction to best meet the examination requirements of Customs and Border Protection (CBP), facilitate the movement of cargo in the port, and provide competitive service to the trade community.

**3. Background**

On January 22, 1993, the Federal Register published a final rule amending Chapter I of the Code of Federal Regulations (CFR) enacting 19 CFR 118, Centralized Examination Stations effective February 22, 1993. This change was a result of CBP efforts to improve productivity and service by focusing resources and minimizing travel time required to perform cargo examinations at multiple facilities within a port of entry (POE).

A CES is a privately operated facility at which merchandise, designated by CBP for physical examination, is made available for inspection. Since the first selection period for the CES program in 1994, CBP has increased its reliance on information technology and high tech non-intrusive exam procedures, to more selectively examine shipments entering the United States. As a result, the number of physical examinations required has decreased. While the quantity of inspections will fluctuate, CES applicants should realize that a minimum number of examinations are not guaranteed.

Responsibilities of a CES operator:

The applicant tentatively selected to operate a CES must sign a written agreement with CBP before commencing operations (19 CFR 118.3). As outlined in 19 CFR 118.4, by signing the agreement the CES operator agrees to:

- (a) Maintain the facility designated as the CES in conformity with the security standards as outlined in the approved application.
- (b) Provide adequate personnel and equipment to ensure reliable service and provide that service on a "first come-first served" basis.
- (c) Assess fees as outlined in the fee schedule included in the approved application.
- (d) Assume responsibility for any charges or expenses incurred in connection with the operation of the CES.
- (e) 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.
- (f) Keep current a list of all employees involved in the CES operation.
- (g) Maintain a CBP custodial bond in an amount set by the Port Director.
- (h) Maintain and make available for CBP examination all records connected with the operation of the CES and retain those records for five years from the date of transaction or examination.
- (i) Submit, if requested by CBP, the fingerprints of all employees involved in the CES operation.
- (j) Provide office space, parking spaces, appropriate sanitary facilities, and potable water to CBP personnel at no charge or a charge of \$1 per year.
- (k) Perform in accordance with any other reasonable requirements imposed by the Port Director.
- (l) Provide transportation and assume liability for the merchandise to the CES from within the port boundaries.
- (m) Any facility granted CES status will be required to meet all applicable Department of Labor regulations, including those promulgated pursuant to the Service Contract Act 41 USC 351.

#### **4. Action**

##### Application Process

All interested parties must submit the attached CES Application Form (Appendix A) Authorization for Release of Information (Appendix B) and Fee Schedule (Appendix C) to (address below). Applications must be received within 60 calendar days from the date of this issuance. During the first 30 days of that period, the public may submit written comments relevant to the CES program to the port director. At the end of the 60-day application period, CBP will publish a list of applications, including names, facility addresses, fee schedules, equipment and numbers of employees. At that time the public will again have 30 calendar days in which to submit written comments to the port director. At the conclusion of that period all applications and comments will be reviewed and evaluated and tentative selections will be made. Materials received from the public during the comment period may be used in evaluating and selecting CES's. All applications and comments should be addressed to:

**U.S. Customs and Border Protection**

**Port Director**

**4341 International Parkway, Suite 600**

**Atlanta, Georgia 30354**

##### Application Contents:

Each application to operate a CES shall consist of the following information as required by 19 CFR 118.11. Any application not providing all of the specified information will not be considered. The responses to paragraphs (b), (c), (d), (e), (g) and (h) of this section shall constitute the criteria used to judge the application:

- (a) The name and address of the facility to be operated as the CES, the names of all principals or corporate officers, and the name and telephone number of an individual to be contacted for further information.
- (b) A description of the CES's accessibility within the port or other location, and a floor plan of the facility actually dedicated to the CES operation showing bay doors, office space, exterior features, security features, and staging and work space.
- (c) A schedule of fees clearly showing what the applicant will charge for each type of service. Subject to any special costs incurred by the applicant such as facility modifications to meet specific cargo handling or storage requirements or to meet 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.
- (d) A detailed list of equipment showing that the applicant can make a diverse variety of cargo available for examination in an efficient and timely manner.

- (e) A copy of an approved custodial bond on CBP Form 301. If the applicant does not possess a custodial bond, a completed CBP Form 301 must be included with the application for approval as a prerequisite to selection. The minimum bond amount required by the port director is \$100,000.00.
- (f) 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 number may hinder the investigation process.).
- (g) Any information showing the applicants experience in international cargo operations and knowledge of CBP procedures and regulations.
- (h) Any other information to address any minimum standards that the port director considers essential to the selection process based on port conditions.

Minimum requirements and evaluation:

All CES applicants must meet certain minimum standards in order to have their application considered. Failure of a CES applicant to meet the minimum standards will preclude further consideration of the application. The Port of Atlanta, Georgia has developed specific criteria for CES applicants. Evaluation of applicant's ability to meet these criteria will be based on the applicant's submission as referenced in 19 CFR 118.11 (see Application Contents above). Additional consideration will be given to those applicants who exceed the minimum required standards as well as the evaluation criteria.

Minimum Standards

All applicants must meet the following minimum criteria for CES consideration:

1. An applicant must have an existing operation and a facility with the capability of handling a large volume of cargo and holding cargo intact. If 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, an applicant may request in the application time to conform the facility to such requirements. The Port Director will grant, without extension, up to 90 days from the date of the signing of the CES agreement to bring the facility into conformity with CBP requirements.
2. Close proximity/accessibility of the CES site from the CBP office (**0-9 miles**).
3. A minimum of **two (2)** cargo bay doors is required.
4. Provide labor during normal working hours (0800-1700).
5. Lighting and electrical outlets in close proximity to container positions.

6. Trained and knowledgeable staff to handle HAZMAT.
7. First Aid and eye wash station available for CBP use.
8. Security features that meet minimum standards outlined in T.D. 72-56.
9. Ability to accommodate various types of freight, perishable cargo, hanging garment containers, and unusual shaped/packed containers.
10. 110.5 square feet per CBP Officer of private office space is required. Office space must be equipped with work station/desk for each officer. Space also must have a data jack, two duplex electrical outlets, 2 standard phone lines and a computer line. Furthermore, it must have climate control/thermostat. The doors must be equipped with high security deadbolt locking device and be resistant to pest infestation.
  - 110.5 square foot per employee X **(1)** work station(s) = (110.5) square feet
11. Separate male/female sanitary facilities available for CBP use.
12. Sanitary facilities must be equipped with running hot and cold water/potable water.
13. Regular maintenance must be provided on office and sanitary facilities at least once daily, such as: trash picked up and bathrooms cleaned.
14. **One (1)** designated CBP parking space.
15. Secure tool storage and work area equipped with workbench, electrical outlets and lighting.
16. A minimum of 500 square feet of open space adjacent to the door and between the area where cargo is to be staged for inspection is required.
17. **1,000** square feet minimum cargo staging area, dedicated full time for CES operations regardless of workload.
18. 100 or more square feet computer/phone room, equipped with a high security deadbolt locking device with climate control operational 24/7, two 120 volt 20 amp outlets on isolated circuit, telephone and two duplex electrical outlets. Room should be highly resistant to pest infestation.

CES Evaluation Measures:

The following criteria will be used to evaluate CES applicants who have successfully satisfied the minimum standards for selection as a CES. A rating system with point allocation will be used.

1. Distance and accessibility of CES site from CBP office, major highways and points cargo discharge

2. Accessibility for movement and positioning of containers at bay doors or apron positions.
3. Cargo space, which exceeds minimum standards, including:
  - (a) Number of container positions
  - (b) Total space available for cargo stripping
  - (c) Average space behind cargo bay doors
  - (d) Examination space beyond minimum
  - (e) High security storage space for CBP property
  - (f) Fenced container storage capacity
4. Security features that exceed the minimum standards outlined in T.D. 72-56, "Standards for Cargo Security".
5. Lighting and electrical outlets immediately adjacent to container positions.
6. Specialized equipment available to allow the CES operator to present a diverse variety of cargo for examination.
7. Physical barrier separation between CES and other cargo.
8. Availability of CES labor outside normal operating hours (0800-1700).
9. Office space and accommodations for CBP personnel, in excess of minimum standards, including:
  - (a) Additional square footage of dedicated CBP office space
  - (b) Extra phone/fax lines.
  - (c) Additional ability to facilitate CBP operational needs (locker room, lockers, showers, lunchroom, furniture, sanitary facilities, parking, etc.)
10. Experience in international cargo operations.
11. Training and personnel to handle HAZMAT.
13. First aid equipment available for CBP use.
14. Ownership/Lease arrangements of CES facility.
15. Charges or fees other than those connected with the examination of a 40-ft. container will be reviewed during the evaluation process. If any of these fees are deemed excessive, that fact may be considered in selection.

Applicants should be aware that their designation of CES status covers only the facility described in their application. If any successful applicant changes the location of their facility during the term of their agreement, their status as a CES is terminated.

All applicants must submit a corporate resolution authorizing the signatory to act on behalf of the corporation. Any false statement on the application may result in disqualification and possible prosecution under the provisions of 18 USC 100.

All applicants are strongly urged to read 19 CFR 118 to obtain a full understanding of CBP expectations of a Centralized Examination Station applicant and operator. Following the 60-day announcement period, applications will be reviewed for completeness and adherence to the specified information required.

Applications deemed incomplete will not be considered.

Questions concerning the application process may be directed to Supervisory CBP Officer, Ray Moyer at (404) 675-1249.

Anita Terry-McDonald  
Port Director  
U.S. Customs and Border Protection

Attachments:

Appendix A (CES application)

Appendix B (Authorization for Release of Information)

Appendix C (Fee Schedule)

Appendix D (Evaluation Criteria)

TD 72-56