



Construction of CBP- Owned Land Ports of Entry

Program Specific Recovery Act Plan

May 15, 2009



Homeland
Security

U.S. Customs and Border Protection

Message from the CBP Senior Accountability Official

May 15, 2009

I am pleased to present the following report, “U.S. Customs and Border Protection Construction of CBP-Owned Land Ports of Entry Recovery Act Plan.”

This document has been completed in response to the Office of Management and Budget (OMB) *Updated Implementing Guidance for the American Recovery and Reinvestment Act of 2009, M-09-15*, which provides guidance for carrying out programs and activities enacted in the American Recovery and Reinvestment Act (“Recovery Act”) of 2009. Agencies are required to submit separate Recovery Program Plans for each program funded by the Recovery Act. This plan summarizes the Recovery Act projects and activities planned for Construction of CPB-Owned Land Ports of Entry.



CBP would be pleased to respond to any questions you may have. Please do not hesitate to contact me at (202) 344-2300.

Sincerely,

Eugene H. Schied
Chief Financial Officer

Executive Summary

Pursuant to requirements of the American Recovery and Reinvestment Act (“ARRA,” P.L. 111-5), the following pages provide U.S. Customs and Border Protection’s (CBP) Recovery Act Plan for the Construction of Land Ports of Entry (LPOEs) program. The ARRA authorized \$420 million dollars for the Department of Homeland Security (DHS) that will remain available through the year ending September 30, 2010. This mandated speed for the expenditure of federal funds into the economy of the United States is the essence and the essential spirit of the ARRA.

This funding must be expended specifically on the LPOEs owned by CBP. Modernization of these critical port facilities will benefit not only CBP operations, but also create jobs and provide an economic stimulus into the nation’s economy. The legislation recognizes the important role that modern and efficient Ports of Entry play in both the security of our country as well as stimulus of cross border commerce. This legislation requires an intense effort to greatly accelerate the pace of CBP’s modernization program and immediate implementation action as it is intended primarily as a wide ranging program to stimulate the regional economies of all communities that are proximate to the CBP Ports.

The purpose of this report is to outline the CBP Port Modernization program’s major activities and objectives, the expenditure plan, delivery schedule, and risks associated with this Modernization Initiative. The expenditure plan outlines the allocation of the \$420 million provided until the end of FY 2010 for the planning, management, design, alteration and construction of CBP-owned LPOEs. The delivery schedule gives a high level view of the major milestones from planning to execution along with an award and project completion schedule.



Construction of CBP-Owned Land Ports of Entry Recovery Act Plan

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I. Legislative Requirement

This document responds to the requirements of the American Recovery and Reinvestment Act (“ARRA,” P.L. 111-5), which includes the following provision:

CONSTRUCTION

For an additional amount for “Construction”, \$420,000,000 solely for planning, management, design, alteration, and construction of U.S. Customs and Border Protection owned land border ports of entry: Provided, That no later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for expenditure of these funds.

This document also responds to the requirements set forth in the Office of Management and Budget Memorandum M-09-15, *Updated Implementing Guidance for the American Recovery and Reinvestment Act of 2009*.

II. Funding

Obligation and Outlay Monthly Plan

TAFS	TAFS	BA Allocations	Program Name	Type	Year														
70 9/10 0535 Construction, Recovery Act	\$420M	\$420M	Construction of CBP-Owned LPOEs	Obligations	FY09	2.325	0	3	0	8.07	173.12	34.57	29.87	29.87	29.87				
				Outlays	FY09	0	0	0	2.3	2.1	4.5	4.5	6.4	6.4	6.4				
				Type	Year														
				Obligations	FY09	33.34	33.34	33.34	3.1	3.1	3.1	0	0	0	0				
				Outlays	FY09	9.3	9.3	9.3	12.0	12.0	12.0	14.8	14.8	14.8	17.1				
				Type	Year														
				Obligations	FY09	0	0	0	0	0	0	0	0	0	0				
				Outlays	FY09	17.1	17.1	15.9	15.9	15.9	17.2	17.2	17.2	17.2	17.2				
				Type	Year														
				Obligations	FY09	0	0	0	0	0	0	0	0	0	0				
				Outlays	FY09	17.2	15.1	15.1	15.1	9.9	9.9	9.9	0.8	0.8	0.3				

III. Objectives

The ARRA funding provides \$420 million for the planning, management, design, alteration, and construction of CBP-owned border LPOEs. The allotted \$420 million for CBP-owned LPOEs will increase the program by 20 positions (20 FTEs). Up to 5 percent (\$21 million) of the funds may be used to enhance management and oversight of construction.

Of the \$420 million, \$399 million will be used for reconstruction of up to 23 existing CBP-owned LPOEs as well as repairs and alterations (R&A) at a minimum of an additional 10 locations. Project costs include:

- Site Acquisition [where necessary]
- Design
- Construction
- Environmental planning and compliance (CBP has been having periodic meetings with representatives from the GSA regarding approaches to NEPA and other environmental compliance, as GSA will also be undertaking LPOE modernization projects with ARRA funds);
- Historic and cultural preservation planning and compliance;
- Site acquisition support services through the U.S. Army Corps of Engineers;
- Government and Contract personnel; and
- Project and construction management support services.

Additionally, \$21 million will be used for development of the Program Management and Reporting System (PMRS), an integrated suite of software solutions and systems configured to support:

- Comprehensive real property planning and needs analysis;
- Environmental, historic, and cultural preservation requirements; and
- Project management and reporting and facility sustainment.

Congress legislated that ARRA funds be used for CBP-owned land port of entry facilities – which are primarily located along the northern border of the U.S. — and were mostly constructed to fulfill pre-DHS missions, with layouts and designs to meet the needs of the 1960’s and 1970’s.

On average, current facilities slated for modernization were constructed more than 40 years ago and were built decades before 9/11 during an entirely different era of land port of entry inspection. Various inspection technologies that exist today were not imagined when many of the existing land ports of entry were built. Modernization projects were determined according to an assessment of conditions at the facilities based on their capacity to meet CBP’s operational priorities and mission. CBP will target ARRA funding toward LPOEs struggling with the most urgent operational deficiencies.

ARRA projects implemented by CBP will operate in the spirit of full and open competition. While there are no specific requirements to use local contractors, CBP Recovery Act projects function under “Buy American” provisions that require agencies to buy specified ‘American-produced goods such as iron, steel and other manufactured goods for construction projects of public buildings or public works.’

IV. Activities

Beginning in 2003, CBP, in partnership with the U.S. General Services Administration (GSA), undertook a thorough assessment of all 163 existing LPOEs along the northern and southern borders. Based on this information, CBP has outlined a multiyear strategy to modernize every land port facility to address outmoded configurations and years of physical deterioration.

The CBP Port Modernization Program Management Office (PMO) plans to modernize existing land ports of entry along both the northern and southern borders. Under the ARRA, the funding provided directly to DHS for ports of entry may only be applied to the forty-three facilities owned by CBP. The agency will target the available funding toward the ports in greatest need, based on operational priorities, facility assessments and project risk analysis. CBP will (1) expand the ports to address increasing demands for through-put capacity by adding lanes, thereby reducing wait times at many locations; (2) incorporate mission enhancements required to bring these facilities designed for a different era of inspections to current operational requirements; (3) address deteriorating physical conditions caused by inadequate funding streams due to previously competing national budget priorities. Unfortunately, CBP cannot address every need within this critical inventory, but thanks to the resources provided, we have made great strides towards making progress in the LPOE

modernization program. The prioritized list of CBP-owned LPOEs that are targeted to receive ARRA funding are below.

Estimated Cost Breakout:

Budget Plan	Amount (\$ Millions)
ARRA LPOE Construction (land and structures)	\$374.0
ARRA LPOE R&A (contract services)	\$25.0
PMRS (contracts and equipment)	\$21.0
Total, LPOE Initiative	\$420.0

Project Cost Estimate:

Location	Design/Build	Contract Award	Project Completion
Antelope Wells, New Mexico	\$15,169,565	FY 2010 Q 1	FY 2012 Q 1
Frontier, Washington	\$24,669,565	FY 2010 Q 2	FY 2012 Q 2
Scobey, Montana	\$14,969,565	FY 2009 Q 4	FY 2011 Q 4
Boundary, Washington	\$14,369,565	FY 2009 Q 4	FY 2011 Q 4
Los Ebanos, Texas	\$14,469,565	FY 2010 Q 2	FY 2012 Q 2
Walhalla, North Dakota	\$17,569,565	FY 2009 Q 4	FY 2011 Q 4
Neche, North Dakota	\$21,269,565	FY 2010 Q 2	FY 2012 Q 2
Morses Line, Vermont	\$15,669,565	FY 2010 Q 1	FY 2012 Q 1
Hamlin, Maine	\$18,669,565	FY 2010 Q 2	FY 2012 Q 2
Noonan, North Dakota	\$15,369,565	FY 2009 Q 4	FY 2011 Q 4
Antler, North Dakota	\$13,869,565	FY 2009 Q 4	FY 2011 Q 4
Wild Horse, Montana	\$15,869,565	FY 2009 Q 4	FY 2011 Q 4
Del Bonita, Montana	\$16,469,565	FY 2010 Q 1	FY 2012 Q 1
Cannons Corner, New York	\$17,369,565	FY 2010 Q 1	FY 2012 Q 1
Churubusco, New York	\$15,469,565	FY 2010 Q 1	FY 2012 Q 1
Hansboro, North Dakota	\$15,369,565	FY 2009 Q 4	FY 2011 Q 4
Pinnacle Road, Vermont	\$17,669,565	FY 2010 Q 1	FY 2012 Q 1
Pittsburgh, New Hampshire	\$14,869,565	FY 2009 Q 4	FY 2011 Q 4
Carbury, North Dakota	\$15,169,565	FY 2010 Q 2	FY 2012 Q 2
Westhope, North Dakota	\$14,969,565	FY 2009 Q 4	FY 2011 Q 4
Morgan, Montana	\$14,469,565	FY 2009 Q 4	FY 2011 Q 4
Whitetail, Montana	\$15,469,565	FY 2009 Q 4	FY 2011 Q 4
Sherwood, North Dakota	\$14,769,565	FY 2009 Q 4	FY 2011 Q 4
Total	\$374,000,000		

* Projects listed by operational priority.

** Project cost based on current estimate pending finalization and contract award.

		Contract Award	Completion
R&A	\$12,500,000	FY 2009 Quarter 4	FY 2011 Quarter 2
	\$12,500,000	FY 2010 Quarter 2	FY 2011 Quarter 4
PMRS	\$11,700,000	FY 2009 Quarter 4	FY 2010 Quarter 3
	\$9,300,000	FY 2010 Quarter 3	FY 2011 Quarter 1

V. Characteristics

There are no plans for the CBP Port Modernization PMO to award any type of funding listed in Section 4 of Appendix 3 to M-09-15.

VI. Delivery Schedule

Dates for the major milestones of the program below reflect potential capital construction 180 day awards, approximately 50% of the total funding.

- **Requirements**
 - Initial requirements packages developed – 13 MAR
 - Requirements packages finalized – 2 JUN
- **Real Estate**
 - Rights of entry (ROE) obtained - 10 APR – 23 APR
 - Real Estate Acquired – 4 JUN 2010
- **Environmental**
 - Initial site surveys – 15 APR- MAY (Weather and ROE contingent)
 - Draft documents available for public comment – 15 JUL
- **Acquisition**
 - Acquisition Strategy Finalized - 24 MAR
 - Requests for Proposals issued – 16 JUN
 - Awards/Obligations made – 16 AUG

The CBP Port Modernization PMO plans to have approximately 50% of the total funding obligated by the 4th quarter in FY 2009, with the remaining 50% obligated by the third quarter in FY 2010. Obligations and outlays quarterly schedule is below.

	FY09 Qtr 2	FY09 Qtr 3	FY09 Qtr 4	FY10 Qtr 1	FY10 Qtr 2	FY10 Qtr 3	FY10 Qtr 4	FY11 Qtr 1	FY11 Qtr 2	FY11 Qtr 3	FY11 Qtr 4	FY12 Qtr 1	FY12 Qtr 2	FY12 Qtr 3
Obligations %	0.6%	0.6%	51.5%	21.3%	23.8%	2.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Outlays %	0.0%	0.0%	3.2%	4.6%	6.6%	8.6%	10.6%	12.2%	11.4%	12.2%	12.2%	10.8%	7.1%	0.6%

VII. Environmental Review Compliance and Federal Infrastructure Investments

Environmental Review Compliance:

CBP's Land Port of Entry (LPOE) Modernization projects will comply with the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), Endangered Species Act (ESA), and related statutes.

NEPA and the Council on Environmental Quality regulations, implementing NEPA, direct CBP to fully understand and consider the environmental consequences of proposed federal actions (projects) during decision making. CBP policies related to environmental planning and historic preservation require compliance with all federal, state, and local laws and regulations, Executive Orders and DHS directives for the protection of the human and natural environments. In accordance with these requirements, CBP will comply with all environmental planning and historic preservation requirements for all LPOE Modernization projects.

All projects within the LPOE Modernization initiative are being evaluated to determine the appropriate level of NEPA analysis required. While it is anticipated that Categorical Exclusions (CatEx) may be exercised for repair and alternations activities, CBP is currently in the process of preparing Environmental Assessments (EAs) to analyze the potential impacts to the human and natural environments for each new construction project under the LPOE Modernization initiative. In compliance with NEPA and NHPA, CBP will conduct architectural and archeological surveys to identify cultural and historical resources of significance. CBP will consult with State Historic Preservation Offices, coordinate potentially impacted federally recognized tribal nations, and engage local stakeholder groups to determine impacts to sites that are listed on, or potentially eligible for listing on, the National Register of Historic Places. Similarly, each site will be surveyed for the presence of threatened or endangered species and will consult with the U.S. Fish and Wildlife Service in accordance with the Environmental Site Assessment. Potential impacts to these sensitive resources will be analyzed in the EA.

If during the course of construction or alternation activities CBP discovers that sensitive historical, archeological, or biological resources could be impacted, project operations will be suspended and the appropriate authorities consulted.

Federal Infrastructure Investments:

Using an integrated project planning team, CBP has incorporated the new construction and major R&A energy efficiency and sustainable building requirements cited in the Energy Policy Act (EPACT), Energy Independence and Security Act (EISA), and Executive Order (E.O.) 13423 into the initial planning process and design-build (DB) contractor requests for proposals (RFPs) and contracting process. CBP performed energy life cycle cost analysis (LCCA) while developing the facility prototype designs to identify cost effective, energy efficient design

elements and the potential for onsite renewable energy generation sources. Using LCCA at the prototype design phase, various options were considered for meeting the EPACT requirement to design new federal buildings to achieve 30% below ASHRAE Standard 90.1, if LCC effective, and the EISA requirement to meet at least 30% of new federal building hot water needs using solar hot water heaters, if life cycle cost effective. The prototype designs and specifications will be incorporated into the site specific DB RFPs and contracts to complete the site specific designs and construct the facilities. The DB contractors will be required to perform LCCA on the final designs to determine the anticipated energy performances of the new facilities. The DB RFPs will contain design requirements, including building utility metering, based on energy laws, the Federal Leadership in High Performance and Sustainable Buildings Guiding Principles, as cited in E.O. 13423, and associated Leadership in Energy and Environmental Design (LEED) criteria. The RFPs will also contain additional sustainable building options for which the DB contractors will propose cost estimates, including additional LEED criteria, onsite renewable energy generation sources, and other energy-saving systems that the DB contractors propose. Once CBP selects the most appropriate and cost effective mix of proposed sustainable building options, the DB contractors will be contracted to design the final site specific facilities to meet all the initial RFP requirements and the selected options. Staged design reviews, onsite inspections during construction, and DB contractor reporting requirements will ensure the facilities are designed and built according to specifications. Testing and measurement during commissioning of the delivered facilities will confirm their actual energy performance.

The following tables will provide data on (1) the amounts of ARRA-purchased electronics that meet energy performance standards and products that meet green purchasing standards, and (2) the disposition of ARRA-funded construction projects in meeting various sustainable building regulatory requirements and LEED rating system criteria. These data will be provided upon completion of each ARRA-funded construction project.

ARRA ENVIRONMENTAL COMPLIANCE

	<i>Project Data</i>				
	1	2	3	4	5
PROJECT NAME					
ARRA Unique ID Number					
Project Objective					
Project Description					
ELECTRONIC PRODUCT ENVIRONMENTAL ASSESSMENT TOOL (EPEAT)					
Bronze					
Silver					
Gold					

Non EPEAT purchases where EPEAT products were available					
ENERGY STAR PRODUCTS					
Quantity					
Costs					
Non Energy Star purchases where Energy Star products were available (Quantity)					
Non Energy Star purchases where Energy Star products were available (Costs)					
FEMP LABELED/APPROVED PRODUCTS					
Quantity					
Costs					
Non FEMP purchases where FEMP products were available (Quantity)					
Non FEMP purchases where FEMP products were available (Costs)					
GREEN PURCHASING					
Recycled content products					
USDA designated biobased products					
Alternative fuels					
Environmentally Preferable Products					
Hybrid and alternative fuel vehicles					
Non-ozone depleting substances					
Renewable Energy					

Requirement Met (explain how) Certified
Requirement Not Met (explain why) Silver

Gold
Platinum

ARRA SUSTAINABLE

	Project Data				
	1		3	4	5
PROJECT NAME					
ARRA Unique ID Number					

Project Objective					
Project Description					
SUSTAINABILITY REQUIREMENTS- apply to all construction, renovations, and leases					
Employ Integrated Design Principles	Requirement Not Met (explain why)				
Optimize Energy Performance	Requirement Met (explain how)				
Protect and Conserve Water	Requirement Met (explain how)				
Enhance Indoor Environmental Quality	Requirement Met (explain how)				
Reduce Environmental Impact of Materials	Requirement Met (explain how)				
ENERGY REQUIREMENTS- apply to all construction and renovations					
Energy Efficient Buildings	Requirement Met (explain how)				
Energy Efficient Capital Equipment					
Metering					
Solar Hot Water					
LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED)					
Registration goal					
Registration attained					
LEED POINTS EARNED					
LEED points goal					
LEED points attained					
Site credits					
Indoor Air Quality					
Materials					
Water					
Energy					
Innovation					

VIII. Measures

The CBP Port Modernization PMO plans to have 50% of the capital projects awarded in the first 180 days after enactment with the remaining projects awarded in the following three quarters. When a funds transfer is made between CBP and another federal agency, the recipient of that funding will report the total amount of recovery funds received, a detailed list of all projects for which the recovery funds were expended or obligated and the amount that is associated with that project or activity. Along with this report, the recipient will also provide an estimate of the number of jobs created and the number of jobs retained by the project that received the funding.

CBP will also ensure that all environmental, energy and sustainability requirements are met. These requirements include employing integrated design principles, optimizing energy performance, protecting and conserving water, enhancing indoor environmental quality and reducing environmental impact of materials. CBP's ability to meet these requirements is outlined in Section VII.

IX. Monitoring/Evaluation

The CBP Port Modernization PMO has established an Integrated Program Management Team (IPMT), consisting of representatives across CBP as well as external stakeholders including the Army Corp of Engineers and the U.S. General Services Administration. The IPMT ensures real-time coordination to execute projects approved under the ARRA in an expedited and responsible manner. The IPMT has also employed a master schedule enabling transparency in the monitoring of all elements of project planning and execution thereby allowing stakeholders, through daily meetings, to provide oversight for the execution of team objectives and record issues and accomplishments of tasks/milestones on all execution items. The IPMT is also responsible for effectively monitoring funding expenditures and reporting on program completion requirements. The PMO senior management holds a bi-weekly meeting to evaluate and update the status of the master schedule and the major deliverables which are developed by the IPMT.

X. Transparency

CBP, through DHS, has a link at the www.recovery.gov web site that requires financial data related to ARRA funding to be submitted on a regular basis. CBP's enterprise wide financial system, utilizing SAP software, integrates budget, accounting, procurement and property data. As a result we are in a strong position to quickly and accurately provide financial and performance data. The Tactical Communications program will provide its program cost and performance information through the Department. This program does not involve the utilization of grant processing.

XI. Accountability

CBP's financial system and processes will provide a strong capability to measure performance against Recovery Act goals, in particular measures of obligated, expended and undelivered. Consequently we will be able to monitor our financial performance in an accurate and timely manner and identify any issues quickly. In addition, our system gives us the same ability to measure actual performance regarding competitive procurement activity.

XII. Barriers to Effective Implementation

Capital construction projects have inherent risks associated with them which are exacerbated by the expedited timeline required under the ARRA. A few of the barriers to effective implementation are environmental compliance issues, the aggressive acquisition timeline, finalizing all technical requirements, real estate/land acquisition, state highway rights of way, and stakeholder coordination and communication.