Thank you for your prompt and thorough comments regarding the proposed RFI. It's clear that ideas that haven't been previously considered will be difficult to come by. I look forward to discussing this further later in the week. I'll touch base as soon as I get a handle on my calendar. Thanks again.
Thanks, I think it will be interesting to see what ideas might be out there. We’ve had trouble ourselves coming up with things that would incentivize other types of financing (we’ve had similar questions about infrastructure like towers, but we’ve not found other markets in some of our more remote areas!) Maybe some of these outside entities will perceive opportunities we haven’t yet discerned—especially if we can get outside of some of the “traditional” sources (most of whom we’ve spoken to, including about some of the ideas here).
For what it’s worth, cost and schedule performance have not been issues in the past, once we got started—the actual construction generally turns out not to be so hard if we can get past the start up transients. So while it will be useful to get ideas about incentives, I’m not sure that’ll be where we get the biggest bang for our buck from innovative thoughts. Still worth asking, of course.

It might also be interesting to see if folks have any ideas about the other types of issues that can constrain us: how to mitigate concerns of local residents who object to the aesthetics of a barrier; how to handle environmental concerns; how to facilitate access to both sides of the fence in a secure way that minimizes loss of property value to private owners; how to provide for maintenance and repair that is timely and cost-effective…

I’ll think on this some more but I wanted to get back to you with some initial thoughts…

See you next week,
Mark

From: [b](6);[b](7)(C)
Sent: Thursday, January 26, 2017 3:26 PM
To: [b](6);[b](7)(C)
Subject: DRAFT RFI

Mark, Part of my task with CBP is to explore alternative approaches to constructing the wall. Below is a rough draft seeking information. I'd appreciate your thoughts on this. I'm in Seattle until Saturday but back in the office on Monday morning. I wanted to get together with you both right away but my first two days were taken up by meetings and in processing tasks. Please take a quick look and I'll try to set up a short meeting early next week. Thanks,

DHS CBP seeks white papers from companies, not for profits, educational institutions, consortiums, and other entities with innovative ideas to design, finance and complete construction of physical infrastructure, known as the “wall”, on the southwest land border of the United States. The infrastructure will add to the approximately 650 miles of that which was previously constructed, and will complete the physical barrier along the southwest land border. CBP is interested in ideas including, but not limited to:

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• Multi or dual use functions for the wall and/or wall corridor
• Financing of the wall construction within the limits of federal fiscal law
• Business incentives that could be included in any contract or business deal to provide improved performance, shorter schedule, and/or lower cost.
• Tools and methods to determine the best type of wall for each section of the southwest border. This would include the ability to tradeoff security capability, acquisition, life cycle cost, useful life and other factors.
• Proposed business/contract terms and conditions that would optimize risk avoidance for DHS CBP and its business partners in providing strong security quickly, efficiently, and
effectively. This would include, but is not limited to whether this endeavor should be a
contract or grant, public private partnership or financial assistance program; necessary length
of an agreement, benefits of one partner vs. many different partners on various areas of the
border and major deviations from federal law or regulation necessary to make this innovation
possible.
• How to bring economic benefit and jobs to the regions (states, counties, cities, individuals)
cooperating with DHS CBP on the wall project.

White papers should be no longer than 5 pages. If known, the papers should identify the
largest obstacles to accomplishing the idea and proposed methods of overcoming the
obstacles. Alternatives within a proposed model are encouraged.

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contain ideas, in the opinion of DHS CBP, that have merit and value in further discussion.
DHS CBP intends to hold these meetings within 30-60 days of the response date. A response
to this market research is not required to participate in future acquisitions. Similarly, DHS
CBP’s decision not to continue communications regarding a white paper does not prohibit that
respondent from participating in future acquisitions for this program.

Respondents are encouraged to write their white papers in a manner that the content could be
used by DHS CBP to assist in developing future requests for proposals. Nonproprietary
responses are preferred but DHS CBP will also consider responses marked in total or in part
proprietary. Please note however, that DHS CBP does not consider these responses
unsolicited proposals nor does it intend to award a sole source contract from the responses to
this market research notice. Therefore, nonproprietary responses are of the most value to DHS
CBP as it proceeds forward with the wall.
From: (b)(6);(b)(7)(C) on behalf of (b)(6);(b)(7)(C)
To: (b)(6);(b)(7)(C)
Subject: FW: Strategies for Addressing HAC/SAC Requirements Discussion
Attachments: 20M Reprogramming Wall Reqs 03282017 v4.xlsx

All times listed are in the following time zone (UTC-05:00) Eastern Time (US & Canada)
<table>
<thead>
<tr>
<th>Item Number</th>
<th>Requirement</th>
<th>Source: HAC or SAC</th>
<th>Responsible Party</th>
<th>Status</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The results of the source selections for Border Wall System prototypes.</td>
<td>HAC</td>
<td>BPAM in coordination with OA</td>
<td>Not Started</td>
<td>(b) (5)</td>
</tr>
<tr>
<td>2</td>
<td>The evaluation results for the Border Wall System prototypes, including the criteria for selecting one or more prototypes for the proposed initial Border Wall System segment.</td>
<td>HAC</td>
<td>BPAM in coordination with USBP</td>
<td>Not Started</td>
<td>(b) (5)</td>
</tr>
<tr>
<td>3</td>
<td>CBP's long-term goals and plan for border security between the ports of entry along the Southwest border and one or more long-term, multi-layered solutions for achieving those goals and plans, informed by alternatives analyses and including proposed laydowns of border infrastructure.</td>
<td>HAC</td>
<td>USBP in coordination with BPAM ('Proposed laydowns of border infrastructure' is BPAM responsibility)</td>
<td>Not Started</td>
<td>TBD</td>
</tr>
<tr>
<td>4</td>
<td>The current threat assessment along the Southwest Border and how it relates to CBP's long term border security goals and proposed solutions.</td>
<td>HAC</td>
<td>USBP</td>
<td>Not Started</td>
<td>TBD</td>
</tr>
<tr>
<td>5</td>
<td>An independent cost estimate for any proposed solutions.</td>
<td>HAC</td>
<td>BPAM</td>
<td>Not Started</td>
<td>(b) (5)</td>
</tr>
<tr>
<td>6</td>
<td>Complete an analysis of alternatives to determine the most appropriate and effective solutions for securing the border.</td>
<td>SAC</td>
<td>USBP</td>
<td>Not Started</td>
<td>TBD</td>
</tr>
<tr>
<td>7</td>
<td>Detailed cost-benefit analysis</td>
<td>SAC</td>
<td>BPAM in coordination with USBP</td>
<td>Not Started</td>
<td>(b) (5)</td>
</tr>
<tr>
<td>8</td>
<td>Study has to effectively measure the impact of the existing fencing along the border as recommended by GAO</td>
<td>SAC</td>
<td>USBP</td>
<td>Not Started</td>
<td>TBD</td>
</tr>
</tbody>
</table>

*External due date is based on one week clearance time through appropriate channels.
This communication might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel, U.S. Customs and Border Protection before disclosing any information contained in this email.
All –

In prep for the upcoming Wall IPT, scheduled for Wednesday, March 29 at 4 pm EST, we are soliciting agenda items.

Please send any items that you would like discussed during the meeting by noon EST Tuesday, March 28. If your agenda item(s) will require your office to present materials, please indicate that in your response as well.

Based on last week’s discussion, here are the agenda items that are already being considered for discussion.

- HAC & SAC Reprogramming Requirements – Plan & Responsible Parties | OFAM & USBP
- Source Selection Schedule | OFAM & OA
- Other Messaging Sub-IPT Updates | OPA

As a reminder, the following action items are currently being tracked as part of the Wall IPT discussion.

<table>
<thead>
<tr>
<th>Date Assigned</th>
<th>Item</th>
<th>Owner</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/23</td>
<td>Finalize operational requirements by 4/1</td>
<td>USBP</td>
<td>In Progress</td>
</tr>
<tr>
<td>3/23</td>
<td>Schedule briefing with C1/C2 on completed requirements</td>
<td>USBP</td>
<td>Complete – Scheduled for 4/7</td>
</tr>
<tr>
<td>3/22</td>
<td>“The Plan” Narrative</td>
<td>OFAM</td>
<td>Completed; Draft being routed for final concurrence</td>
</tr>
<tr>
<td>3/23</td>
<td>Procurement Schedule (after prototype)</td>
<td>OFAM</td>
<td>In Progress – ECD 4/14</td>
</tr>
<tr>
<td>3/23</td>
<td>Determine the appropriate approach to the LCCE</td>
<td>OC</td>
<td>In Progress</td>
</tr>
<tr>
<td>3/23</td>
<td>Leverage one IPT per month to use as Acquisition Oversight body to include the Department</td>
<td>OFAM</td>
<td>In Progress – First Meeting week of 4/24</td>
</tr>
<tr>
<td>3/23</td>
<td>Red team potential legal challenges</td>
<td>OCC</td>
<td>Not Started</td>
</tr>
</tbody>
</table>

Best,
Mr. Burkowski,

I did not say oh well. What I said is that part of this effort is for us to be here to answer the contractors questions.

Do you want me and my team to spend more time developing greater detail regarding a reinforced concrete wall? Because we ARE the SMEs in this arena.

As I said in my previous email we are confident our current language for this prototype effort.

Your call sir.

I have been around this track a few times, so if you don't mind, I think it's prudent to anticipate the questions and he protests based on ambiguity.

The fact that we know what we mean doesn't help when a judge agrees with someone else's interpretation.

Normally, this would not be an issue because we wouldn't have two RFPs hat are hopefully mutually exclusive. What happens when one person thinks a concept belongs in the concrete RFP, but a different person thinks it belongs in he other one?

And the right response is NOT to say "oh, well--let's just wait for questions."

So I'm asking the question now. How about just giving me the answer?

Mr. Burkowski,

If you tell me you want a reinforced concrete wall I provide that to you based off of your
requirements, plans, and specifications. Considering this is a DB effort the contractors will take our requirements and provide a design. If they have questions during the RFP process they will ask and we will provide answers to all of the prospective bidders.

If we want CMU block we can specify that in our requirements, but we know we expect reinforced concrete.

In other words, this is being over thought. This will not be perfect, that is part of the nature of a DB effort, but that is why will answer the contractors' questions.

We could take the time and specific the PSI of the concrete, size of reinforcing bar, additives to the concrete, etc. I believe our current is sufficient for this effort.

At this point it is about how much time do we want to add to the schedule.

Thanks,

---

From: BORKOWSKI, MARK S  
Sent: Thursday, March 16, 2017 4:36:59 PM  
To:  
Cc: CALVO, KARL H;  
Subject: RE: FINAL SOWs :) 

Thanks.

I’d like the experts to think about this question as we finalize whatever this language should be:

When we say “sold concrete,” I think we all mean that the faces are solid and made of concrete. However, I think we also understand that this would include structures that are reinforced with materials other than concrete (like steel reinforcement) as well as structures that are “hollow” or have stringers on the inside.

So, we would call a cinder block “solid concrete,” even though it has a hollow inside (and, of course, as long as the solid face is pointed in the correct direction).

I just want to ensure that everyone will recognize that as what we mean by “solid concrete.” If you think there might be ambiguity, we may need to expand the definition of solid concrete to ensure we’re perfectly clear. Or we may need to say something like “a concrete structure with solid facings,” or something like that.

What do you folks think?

---

From: BORKOWSKI, MARK S  
Sent: Thursday, March 16, 2017 3:48 PM  
To: BORKOWSKI, MARK S  
Cc: CALVO, KARL H;  
Subject: RE: FINAL SOWs :) 

Thanks.
Subject: RE: FINAL SOWs :)

ALCON:

We will be including the highlighted language below verbatim.

Thank you,

Mark

From: BORKOWSKI, MARK S
Sent: Thursday, March 16, 2017 3:02 PM
To: CALVO, KARL H. <(b)(6);(b)(7)(C)>
Cc: CALVO, KARL H. <(b)(6);(b)(7)(C)>

Subject: RE: FINAL SOWs :) 

Thanks.

I think we need some clear language in the Prototype Task part of the SOW to make clear that we are considering concepts that do not fit within the requirements of the concrete RFP. We will have to be explicit. We need words something along the lines of:

“Prototypes constructed under this task order must offer designs that are alternatives to solid concrete walls. Alternatives may include, but are not limited to, designs that have differing materials or may not be entirely solid.”

If we DON’T do that, solid wall concepts can be proposed both here and in the other RFP. I don’t think we want that.

I also think we need to capture the idea of a requirement that prevents the passage of some appropriately sized package through the wall—perhaps in the “Objective” requirement section...

(By the way, I made complementary comments on the concrete stuff—we need to be clear we want solid concrete designs there...)

Thanks,

Mark
To: BORKOWSKI, MARK S
Cc: CALVO, KARL H.
Subject: RE: FINAL SOWs :) 

Im not sure about the whole RFP but here is the current version (with track changes) of the other than solid concrete SOW.

PW:

Is the "other" RFP out for review? I haven't seen it--did I miss it somewhere?

From: BORKOWSKI, MARK S
Sent: Thursday, March 16, 2017 2:20:17 PM
To: CALVO, KARL H.; BORKOWSKI, MARK S; 
Cc: CALVO, KARL H.
Subject: RE: FINAL SOWs :) 

Thanks - im working on incorporating everything

-----Original Message-----
From: 
Sent: Thursday, March 16, 2017 1:01 PM
Per your request - here are the final versions. Clause in last paragraph was updated which was the last change (for now) :)

-----Original Message-----
From: (b)(6);(b)(7)(C). 
Sent: Thursday, March 16, 2017 9:09 AM 
To: (b)(6);(b)(7)(C)  
Cc: (b)(6);(b)(7)(C)  
Subject: FINAL SOWs :)
(b) (5)
Pls see attached updated Source Selection strategy paper. Thank you. – (b) (6)
As you requested, I came up with a few questions on this briefing:

1. 
2. 
3. 
4. 
5. 
6. 
7. 
8. 
9. 

v/r,
Mark

Mark S. Borkowski
Chief Acquisition Officer and
Component Acquisition Executive
Customs and Border Protection
Mark, Thanks for your quick response. I'd like to come over to see you later in the week and discuss this further. I have meetings Thursday morning and a drug test Wednesday morning. Otherwise, I'm flexible. Thanks again,

Mark
you both right away but my first two days were taken up by meetings and in processing tasks. Please take a quick look and I'll try to set up a short meeting early next week. Thanks,

DHS CBP seeks white papers from companies, not for profits, educational institutions, consortiums, and other entities with innovative ideas to design, finance and complete construction of physical infrastructure, known as the “wall”, on the southwest land border of the United States. The infrastructure will add to the approximately 650 miles of that which was previously constructed, and will complete the physical barrier along the southwest land border. CBP is interested in ideas including, but not limited to:

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(b) (5)
(b) (5)
Will do.

Best,

[Redacted]

Chief Counsel
U.S. Customs and Border Protection

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

This communication might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel, U.S. Customs and Border Protection before disclosing any information contained in this email.

From: [Redacted]
Sent: Thursday, January 26, 2017 3:26 PM
To: [Redacted]
Subject: DRAFT RFI

/Mark, Part of my task with CBP is to explore alternative approaches to constructing the wall. Below is a rough draft seeking information. I'd appreciate your thoughts on this. I'm in Seattle until Saturday but back in the office on Monday morning. I wanted to get together with you both right away but my first two days were taken up by meetings and in processing tasks. Please take a quick look and I'll try to set up a short meeting early next week. Thanks, Harold

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Good morning CBP procurement team –

We met with [b] this morning and [b] [b]

Thanks –

[b]
My folks put the attached together based on our discussions this morning and information received this afternoon. We used Mark’s original write-up and tried to preserve many of his key concepts. I have not shared this with others at CBP because I wanted to give you first short at it. I would be happy to discuss early tomorrow morning (before they meet with the RFP development team) to help guide the discussions. I am trying to provide flexibility but guide the evaluation process to an informative, clear, and focused decision-making process. I welcome your thoughts/comments and suggestions.

Thank You!

Chief Procurement Officer
Management Directorate
U.S. Department of Homeland Security

From: [b](6)
Sent: Wednesday, March 08, 2017 4:30 PM
To: [b](6)
Cc: [b](6)
Subject: Revised per discussion.
V/r,

(b) (6)
That would be fine.

Do you mind coming by my office?

Kathryn, 1000 is fine. Location?

How about 10am tomorrow?

Do you mind if Karl & Mark join, since we're trying to integrate this into the overall acquisition strategy?

Kathryn. The RFI was posted while I was away and the delivery point was changed to a mailbox controlled by someone in the CPO office. On Friday I was given access to the mailbox and found approximately 75 responses. I was somewhat disappointed that most of the responses are less than helpful, e.g. “I would like to propose a wall made out of flowers. Maybe sunflowers. One that promotes peace, not fear” or, “Sentry guns that shoot at movements” or “I am a construction worker and construction business owner from Ohio, My business is struggling and could use any work offered.” Approximately half the responses actually included a white paper or some attachment
discussing the wall.

My plan is to set up an IPT, of a size conducive to actual collaboration, to refer any worthwhile information gleaned from the RFI to management for a decision on the way ahead. My thought is that the IPT would include two people from OFAM (Loren and an engineer) to comment on feasibility, two from the Border Patrol (Chief Martin and one other) to evaluate compatibility with operational requirements, someone from Acquisition and, possibility, someone from Science and Technology at the Department.

If any of the concepts submitted are considered to be worthwhile by management, they would be included in the requirements process and included in the basic wall design. It does not appear that we are going to get anything that could be incorporated into the prototype—primarily because of schedule. Therefore, any promising concepts would likely have to be included in any contract for actual construction of the wall.

My plan is to do a very quick review of the papers, brief this proposal to C2 regarding the IPT and get this started very soon. Since at least three of the proposed team members work for you, I’d like to include you in the process. I don’t intend to bring this up in the Wall IPT meeting tomorrow but would like to get this rolling early next week. I’m open from 1000 to 1600 tomorrow if you’d like to discuss. Thanks.

From: KOLBE, KATHRYN
Sent: Wednesday, March 22, 2017 9:16 AM
To: [b][6](b)(7)(C)
Cc: BORKOWSKI, MARK [b][6](b)(7)(C)
Subject: RFI Responses Evaluation & Assimilation

I’d like to capture your thoughts regarding how you envisioned evaluation of the feedback/papers received from the RFI you drafted. I’d like to start the conversation about how we incorporate the responses into the overall wall strategy. On the Hill most of today, but can set up a meeting, if you’d like.

VR, KK

Kathryn L. Kolbe
Executive Assistant Commissioner
Enterprise Services
U.S. Customs and Border Protection
Office [b][6](b)(7)(C)
Cell [b][6](b)(7)(C)
Any interest in participating?

All times listed are in the following time zone (UTC -05:00) Eastern Time (US & Canada).

---

From: BORKOWSKI, MARK S
To: CALVO, KARL H; KOLBE, KATHRYN
Cc: (b)(6); (b)(7)(C)
Subject: FW: Fence Waiver Discussion **Mtg. Confirmed**
Attachments: (b)(5)

---

From: BORKOWSKI, MARK S
To: BORKOWSKI, MARK S
Cc: (b)(6); (b)(7)(C)
Subject: Fence Waiver Discussion **Mtg. Confirmed**
When: Wednesday, February 08, 2017 2:00 PM - 3:00 PM
Where: Teleconference

Date: February 8, 2017, 2:00 - 3:00 (EST)
Conference Line: (b)(7)(E)
Participant Code: (b)(7)(E)
Meeting purpose: Fence Waiver Discussion

---

** Background **

From: (b)(6); (b)(7)(C)
Sent: Tuesday, January 31, 2017 6:01 PM
To: BORKOWSKI, MARK S
Cc: (b)(6); (b)(7)(C)
Subject: Fence Waiver

Mr. Borkowski,

I thought I had sent you the attached draft waiver but I reviewed my sent message today and it appears I did not. My apologies for that oversight. Let me know when you or [redacted] might be available to discuss.

(b)(6); (b)(7)(C)

Associate Chief Counsel - Trade and Finance
Office of the Chief Counsel
U.S. Customs and Border Protection
(b)(6); (b)(7)(C)

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