

U. S. CUSTOMS AND BORDER PROTECTION (CBP)
MEMORANDUM OF AGREEMENT TO REIMBURSE CBP

This Memorandum of Agreement ("MOA") outlines the agreement between BROWARD COUNTY (COUNTY) the below named Container Terminal operator and U.S. Customs and Border Protection (CBP) in regards to the port sponsor's responsibility to reimburse CBP for costs related to providing information technology (IT) services at the below named location. The legal authority for CBP to enter into and require such an agreement is found at 8 U.S.C. § 1222-1225 and 1357; 6 U.S.C. § 231; 19 U.S.C. § 2, 482, 1433, 1434, 1448, 1449, 1461, 1459, 1463, 1467, 1499, 1552, 1581, 1644; and 19 C.F.R. §19 and 113.

Seaport Authority: Broward County
Location: Port Everglades Intermodal Container Transfer Facility
4325 McIntosh Road
Fort Lauderdale, FL 33316

BROWARD COUNTY'S RESPONSIBILITIES

Data and Cabling

COUNTY will be responsible for the procurement and installation of all data cabling and electrical components required for connectivity of the Automated Data Processing (ADP) LAN, Data, Voice Communications Systems and IT equipment according to CBP Office of Information Technology (OIT) provided specifications. However, Port Everglades Department of Broward County (BCPED) must give CBP two weeks (14 days) advance notice of all cable pulls so that CBP can be present and observe their installation.

Reimbursement of ADP Costs

COUNTY agrees to reimburse CBP for all ADP costs, including equipment purchase, installation, connectivity and recurring costs relative to standing-up and continuous CBP operations at the Port Everglades Intermodal Container Transfer Facility (PEV ICTF) located at 4325 McIntosh Road, Fort Lauderdale, Florida. Estimated ADP LAN, Data and IT equipment costs total \$78,814.00, which includes a non-recurring cost of \$15,500.00 for CBP to procure the circuit. CBP OIT's Cost ROM identifies the ADP LAN, Data and IT equipment requirements for the PEV ICTF, for which COUNTY will reimburse CBP.

COUNTY will be billed for the actual costs of the ADP equipment, the one-time and recurring charges for the network, and any required replacement equipment. Recurring out-year network charges are estimated at \$8,400.00 per year.

ADP Equipment Upgrades

Upgrades to the ADP equipment may be required on a schedule determined by CBP (approximately every 3-5 years, as needed). COUNTY agrees to reimburse CBP costs to upgrade the ADP equipment. CBP will provide BCPED a minimum 180 day advance notice of required upgrades.

COUNTY Tax Identification Number: 59-6000531
COUNTY Bill To Representative: Deputy Port Director
COUNTY Phone Number: 954-468-3504
COUNTY Email Address: gwiltshire@broward.org

COUNTY Address: 1850 Eller Drive
Fort Lauderdale, FL 33316

Payment Process

Upon execution of this MOA, CBP OIT will forward a signed original copy to the CBP National Finance Center (NFC). Upon receipt and installation of equipment, the NFC will issue COUNTY a bill for the actual ADP costs not to exceed \$78,814.00. The CBP NFC will also bill COUNTY 90-days prior to the due date for actual costs not to exceed \$8,400.00 in recurring out-year network charges owed, and any sums owed for future ADP equipment upgrades and replacements.

Pursuant to 19 C.F.R. § 24.3a, any amounts due CBP under the terms of this agreement not reimbursed within 30 days of billing will begin accruing interest charges based on current U.S. Treasury borrowing rates and may ultimately be referred for collection against the COUNTY's surety.

Equipment Ownership

COUNTY will retain ownership of all ADP equipment purchased by CBP and reimbursed by COUNTY for the Port Everglades Intermodal Container Transfer Facility. CBP will transfer possessory rights of all ADP LAN, Data and IT equipment used in CBP operations and reimbursed by the COUNTY for the PEV ICTF when CBP vacates the premises. Within one month (30-days) following installation and reimbursement, CBP OIT will deliver a list of Serial Numbers and/or other identification and warranty information for COUNTY reimbursed ADP LAN, Data and IT equipment to the BCPED as instructed below.

BCPED ADP Equipment Administrator: Brenda Adams-Dean
BCPED Email Address: badamsdean@broward.org
BCPED Phone Number: 954-468-0101
BCPED Ship to Address: 1850 Eller Drive
Fort Lauderdale, FL 33316

U.S. CUSTOMS AND BORDER PROTECTION (CBP) RESPONSIBILITIES

Equipment Connectivity and Maintenance

The CBP OIT will be responsible for supplying and installing required data equipment connection(s) from the Port Everglades Intermodal Container Transfer Facility located at 4325 McIntosh Road, Fort Lauderdale, Florida to the CBP National Data Center, and imaging, maintaining, and controlling the equipment as required by CBP, the costs of which COUNTY will reimburse CBP. COUNTY will incur no additional costs or CBP OIT charged service fees for any required ADP equipment maintenance/repair/replacement covered by equipment warranties.

AUTHORIZATION (TWO ORIGINALS WITH SIGNATURES ARE REQUIRED)

IN WITNESS WHEREOF, the parties hereto have made and executed this Memorandum of Agreement to Reimburse U.S Customs & Border Protection BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice-Mayor, authorized to execute same by Board action on the ____ day of _____, 2014, and U.S Customs & Border Protection of the United States Department of Homeland Security, signing by and through its _____, duly authorized to execute same.

COUNTY

ATTEST:

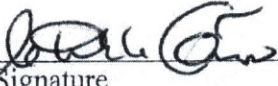
BROWARD COUNTY, by and through its
Board of County Commissioners,

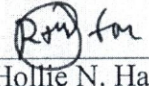
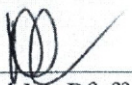
Broward County Administrator, as
Ex-officio Clerk of the Broward County
Board of County Commissioners

By _____
Mayor
____ day of _____, 2014

Insurance requirements
approved by Broward County
Risk Management Division

Approved as to form by
Joni Armstrong Coffey
Broward County Attorney
Port Everglades Department
1850 Eller Drive, Suite 502
Fort Lauderdale, FL 33316
Telephone: (954) 523-3404
Telecopier: (954) 468-3690

By  4.16.14
Signature (Date)
CARLOS DE LA GUERRA
RISK MANAGEMENT & CONTRACTS
BUSINESS ADMINISTRATION DIVISION
PORT EVERGLADES
Print Name and Title above

By  4/16/14
Hollie N. Hawn (Date)
Assistant County Attorney
By  4/16/14
Noel M. Pfeffer (Date)
Deputy County Attorney

CBP

Vernon T. Foret
Director Field Operations
Customs and Border Protection

Date