# U.S. DEPARTMENT OF HOMELAND SECURITY (DHS)

## U.S. Customs and Border Protection (CBP)

# STATEMENT OF WORK (SOW)

# FOR

# SOUTHERN BORDER FOOD SERVICES

## U.S. Border Patrol – REGIONAL LOCATIONS

## Indefinite Delivery Indefinite Quantity (IDIQ)

## 1. BACKGROUND

U.S. Customs and Border Protection (CBP), through its component office of the United States Border Patrol (USBP) has a continuing requirement for the provision of United States Department of Agriculture (USDA) and United States Food and Drug Administration (FDA) approved meals, delivery, and distribution services (preparation of meals, delivery of meals, distribution of meals, and clean-up services) to detainees temporarily held at locations throughout the Southern Border (SB) area of operations.

The meals required are for migrants temporarily held until their processing is complete and they are transferred to better-equipped facilities or otherwise transferred out of CBP custody. The foremost consideration and priority regarding welfare and nutrition for migrants is that they are expeditiously transferred out of CBP Custody.

While in temporary holding, each migrant shall receive three (3) meals a day, which includes breakfast, lunch, and dinner, with an emphasis on the safety of food sources and meeting basic, age-appropriate caloric intake and hydration needs.

The specific requirements for meals, meal delivery, and meal distribution services to be provided under the contract are dependent on location needs to be specified at the Task Order level as set forth in this Statement of Work (SOW). However, CBP nutrition and food safety practices, in general, shall be consistent with all applicable standards. These standards are covered within the applicable documents – Reference section 3 of the SOW.

While not the exclusive or mandatory source to meet this requirement, to provide for coverage that is consistent and always meets all quality and nutritional standards, CBP plans to establish one (1) IDIQ to primarily fulfill this requirement for locations within the Regions specified, comprised of the following USBP Sectors:

- Region 1: USBP San Diego Sector
- Region 2: USBP El Paso Sector
- Region 3: USBP Rio Grande Valley Sector
- Region 4: USBP Miami Sector

The IDIQ will establish fixed unit pricing for the various meals requirements outlined in Sections 4 and 5 of this SOW. Throughout the 5-year ordering period, individual Task Orders may be issued under which the various locations may fulfill their needs.

## 2. SCOPE

Within the IDIQ established, the Contractor shall furnish all equipment, materials, labor, resources, and supervision for the meals delivery and distribution services as needed by the location (Preparation, Delivery, Distribution, and Clean Up Services) meeting the specifications provided herein. See Section 4.

Locations all operate twenty-four (24) hours a day, seven (7) days a week, including all federal holidays, unless otherwise indicated in individual Task Orders. The number of migrants is constantly

in flux. The goal of this contract is to provide a dynamic and flexible mechanism to enable the USBP to order meals delivery and distribution services as needed to feed the constantly changing migrant population without any shortages, while minimizing overages and waste. As orders are placed against the contract, the Ordering Official for a given Task Order will coordinate with the Contractor for meal selection and delivery/setup/distribution/clean-up, and other logistics purposes as required within the individual Task Orders awarded.

All food must meet current USDA and FDA health standards, which include Federal, State, and County health and food handling regulations. Food offered for consumption must meet the following minimum requirements:

a. It must be obtained from licensed wholesale or retail sources; prepared in a licensed location, e.g., restaurant, commercial kitchen, or bakery; and stored and transported by means that effectively prevent microbial growth, contamination, or adulteration.

b. A licensed company that has passed all health certification standards for operation as a food-handling facility must prepare it. Current and applicable health certifications shall be included with the proposal.

c. All food handlers and servers shall comply with applicable Federal, State, and local health laws and regulations.

d. General meal plans/menus must be developed in consultation with a registered nutritionist/dietitian to ensure that age-appropriate nutritional standards are met, variety from day to day and within the span of a day (i.e., breakfast, lunch and dinner) is provided, and that food is age-appropriate for palatability and consumption.

The expected average meals required at any location may be as high as 3000, or as low as 10, for each meal period (breakfast, lunch and dinner), for a total of 9000, or as low as 30, meals daily. During periods of higher apprehension rates, meal volume may increase to over 5000 per meal period, or 15,000 total meals daily. During lower apprehension rates, the contractor can provide novel plans to efficiently provide SOW-compliant meals, while lowering the cost to the Government.

Standard meals delivery and distribution periods shall be between the hours of 6:00 AM and 6:00 PM.

Meals delivered outside of those periods, e.g., meals for late arrivals, may be required and outlined within the individual Task Orders.

## 3. APPLICABLE DOCUMENTS

1. US Food and Drug Administration (FDA) Guidance Documents: https://www.fda.gov/regulatory-information/search-fda-guidance-documents
2. FDA Industry Guidance on Serving Sizes: https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-food-labeling-serving-sizes-foods-can-reasonably-be-consumed-one-eating-occasion
3. US Department of Agriculture (USDA) Dietary Guidelines for Americans: Dietary Guidelines for Americans | WIC Works Resource System

4. USDA Food Safety and Inspection Service – Basics for Handling Food Safely: https://www.fsis.usda.gov/food-safety.
5. FDA Food Code 2022: https://www.fda.gov/media/164194/download
6. CBP National Standards on Transport, Escort, Detention, and Search (TEDS) (Oct. 2015), as amended: https://www.cbp.gov/document/directives/cbp-national-standards-transport-escort-detention-and-search
7. Exhibit 4(d): Summary of CBP *Flores* Agreement: RGV and El Paso Sectors - See Appendix 2 to this SOW.

## 4. MEALS DELIVERY AND DISTRIBUTION SERVICES

- Region 1: USBP San Diego Sector
- Region 2: USBP El Paso Sector
- Region 3: USBP Rio Grande Valley Sector
- Region 4: USBP Miami Sector

Contractor shall be required to provide meals, delivery, and distribution services, to include associated clean-up and removal of waste as outlined below:

Each Task Order will specify any location-specific distribution services requirements in addition to the general requirements set out below. All meals must meet the full specifications outlined in Section 5.

Meals Delivery and Distribution General Requirements

Contractor shall prepare the meals offsite, timely deliver the meals to the location, distribute/serve the meals to the detainee population once on location, and provide for clean-up and breakdown of the meal's distribution area when complete.

The Contractor shall be required to furnish all cleaning supplies and equipment necessary for complete meal requirements clean-up services, including the removal of all meal containers and detainee meal trash and leftovers to be thrown away offsite.

## 5. BLANKET SPECIFICATIONS FOR ALL LOCATIONS

The Contractor shall provide meals meeting the following specifications to locations specified in Task Orders as they are generated.

Based on the age and diverse/restricted diet specifications outlined in Sections 5.1 and 5.2 below, the Contractor shall provide meals that follow Contractor-supplied menus that will become part of the contract upon award. The Contractor shall be afforded leeway in the development of meal offerings within industry standards, but each meal menu shall meet all nutritional guidelines outlined in Section 3. Variety of meals from day to day and within the span of a day (i.e., breakfast, lunch and dinner) shall be provided.

### 5.1. Menus Shall Be Categorized into Age-Appropriate Categories

The Contractor shall provide menus categorized based on the below listed age groups:

a. Tender Age Children (Ages 2 through 12)
b. Older Children (Ages 13 through 17)
c. Adults (Ages 18 and older)

Menus shall each be comprised of three meals: breakfast, lunch, and dinner. Each menu at a minimum shall consist of an entrée (entrée shall be consistent with the FDA definition for nutritional value based on age group), fruit/vegetable, and beverage. Refer to the USDA 2025-2030 Dietary Guidelines for Americans Daily Servings By Calorie Level, and DRI Calculator for Healthcare Professionals (DRI Calculator for Healthcare Professionals | National Agricultural Library):

- Each menu for Tender Age Children shall meet or exceed applicable USDA daily nutritional guidelines. In addition, each menu for Tender Age Children shall, in general, be appropriately palatable and consumable, including by the youngest of the Tender Age Children.
- Each menu for Older Children shall meet or exceed the "Male 14-18" current USDA daily nutritional guidelines, except for iron levels, which shall meet or exceed the "Female 14-18" guideline.
- Each menu for Adults shall meet or exceed the "Male 19-30" current USDA daily nutritional guidelines, except for iron levels, which shall meet or exceed the "Female 19-30" guideline.

A selection of fruits (fresh if available) shall be incorporated into each menu. Each meal, to comply with TEDS (Applicable Documents #6) shall provide a choice of beverages: milk, water, and juice (labeled 100% fruit juice). The migrants must be offered a choice of these three beverage options at each meal.

- The following menu is an example of an Adult menu, but any meal provided must meet minimum nutritional guidelines for detention industry standards:

  Breakfast
  - Tortilla Wrap filled with egg, vegetable, rice and beans

  Lunch
  - Tortilla Wrap filled with meat (chicken or beef), vegetable, rice and beans

  Dinner
  - Sandwich with meat (chicken or beef) and lettuce

  Drinks (available at all meals)
  - Bottled water (16.9 fl. oz.)
  - Milk cartons (8 fl. oz.)
  - Juice (8 fl. oz.)

Note: This contract does not include the requirements for children under 2 years of age, including formula or similar infant needs.

### 5.2. Additional Meal Specifications

CBP holds individuals from scores of countries with diverse food and nutrition habits. While it is not feasible to cater to all cultural and dietary needs, the Contractor shall provide menus that include choices in each of the following categories, at a minimum:

a. Menus for each age category that offer fiber-rich choices.
b. Menus for each age category that accommodate a Vegetarian Diet.
c. Menus for each age category that accommodate a Gluten-free Diet.
d. Menus for each age category that accommodate a Pork-free or Pork By-Product-free Diet.

Menus shall clearly indicate the appropriate age and diverse/restricted diet categorization and all three meals in a menu shall meet the same categorization. Additional categories of diverse food/restricted diet categories based on industry standards may be proposed as well.

Regardless of age or dietary restriction, **two of a migrant's three daily meals must contain a hot entrée.**

### 5.3. Meals Delivery

The Contractor shall be required to meet all meal delivery and distribution services requirements as ordered. Unless otherwise specified, all meals to be provided under the contract shall be preserved, packaged, and packed for service/distribution in accordance with standard commercial practices to meet the packing requirements of the carrier and ensure safe delivery and serving at the destination as required. Preservation, packaging, and packing shall provide adequate protection against physical damage during order fulfillment.

There are no loading docks or other loading/unloading or serving facilities at any of the locations and the Contractor(s) shall be responsible for the proper offload, delivery, and set-up/tear-down of materials and supplies by use of a handcart or other such Contractor-furnished equipment. Meals delivery and distribution may consist of handing food out to migrants, staging food on a table for migrants to obtain, or other similar method to be outlined within each Task Order. Task Orders will provide greater detail regarding specific method of food distribution, clean-up and other services. Government personnel and/or equipment will not be available to assist in delivering or offloading and unloading of materials.

Standard mealtimes are between the hours of 6:00 AM and 6:00 PM. Exact meal serving times shall be specified in the Task Order. Contractor shall be expected to set up, provide, and serve/distribute all meals within the specified times. Meal services outside of those periods may be requested by the Government in the course of performance of a Task Order (e.g., meals for late arrivals), however performance of meal deliveries and distribution outside the specified timeframes when not directed by the Government shall be considered negative performance and subject to contractual remedies as determined by the Contracting Officer.

Meals shall not require flatware or other eating utensils, i.e., meals shall be provided in a form that does not require a utensil to consume (e.g., a wrap, chicken nuggets, sandwich or burrito or apple sauce packets).

For all non-vegetarian meals provided, all meat and meat products shall have been slaughtered, processed, and manufactured in plants inspected under a USDA-approved inspection process and shall bear the appropriate seal. All meat and meat products must be sanitary and free of objectionable odors or signs of deterioration on delivery and/or during distribution/serving.

The designated Location Point of Contact (POC) shall examine the food upon delivery and during distribution/serving to ensure that it is palatable in terms of flavor, texture, temperature, and appearance. CBP reserves the right to reject any food, product, or component thereof, which the POC/Ordering Official has determined is unacceptable.

At the completion of meals delivery and distribution, the Contractor shall secure, account for, and remove all equipment (such as carrying containers) and supplies. Contractor shall remove all trash generated to an off-site location, at Contractor's expense. Any excess food items shall be distributed amongst the migrants as requested or destroyed on site prior to Contractor departure. No food shall be held onsite, returned to CBP, or removed from the premises once placed into service. No materials or packing items or other miscellaneous items shall be left behind by the Contractor after completion of services.

The Contractor shall comply with all applicable local, state, and federal health and sanitation department requirements with respect to food selection, storage, and delivery throughout any ordering period. The Contractor shall obey and abide by all applicable laws and ordinances. Appropriate certifications shall be available for inspection by the designated Points of Contact (Ordering Officials).

Food handling must meet all temperature requirements specified by Federal, State, and local regulations. Two (2) of the three (3) daily meals included in a menu must be delivered and/or served hot. Refer to the above link for USDA's safe food handling guidance.

The Contractor shall have valid licenses/certifications as required by the states where they operate in support of this requirement. The Contractor shall include copies of all required licenses/certifications to the Contracting Officer with its proposal package. The Contractor shall provide certifications of all subcontractors under the awarded contract at time of award.

### 5.3.1. Provision of In-Flight Meals

When requested and within eight (8) hours of ordering, Contractor shall provide pre-packaged, delivery-only meals for the purpose of supporting the requirement for in-flight meals for detainees being transported by the USBP via charter or military aircraft. The flights will originate within the area of responsibility for the US Border Patrol Sectors being serviced under this contract. A separate menu and pricing for these meals shall be provided and shall meet the full requirements and standards of all other meals specified in this SOW.

### 5.4. Physical Fitness of Food Handlers

In supplying meals under the contract, the Contractor shall only employ food handlers who meet the physical fitness and health and safety criteria established within the current edition of the FDA Food Code. This examination shall be completed before a food handler is permitted to handle and serve

meals to be provided under this contract and certification/standards shall be maintained thereafter. Documentation of the initial examination(s) is due within 10 business days after contract award, and updates and renewals of the documentation are due annually thereafter or upon request of the Contracting Officer, Contract Specialist (CS) or COR.

### 5.5. Food Safety Plan / Quality Control Plan

Each Offeror shall submit a basic Food Safety Plan/Quality Control Plan with its proposal. At a minimum, the Plan shall provide for the following with regards to safe food handling:

1. Hazard Analysis – Identify food hazards known or reasonably foreseeable to ensure the safe handling and preparation of food throughout each meal service. This includes the following controls at a minimum:
    a. Preventive Controls – plan to ensure controls are in place to ensure hazards do not exist or are significantly minimized or prevented to ensure that food is not adulterated.
    b. Process Controls – procedures in place to ensure control parameters are met, such as those for cooking, refrigerating and acidifying foods. In addition, process controls should outline processes used to ensure the correct meal quantity ordered will be delivered.
    c. Food allergen controls – written procedures to control allergen cross contact and ensure allergens are appropriately labeled.
    d. Sanitation controls.
    e. Food Temperature Controls - plan to ensure temperature is checked and maintained (in accordance with USDA, federal, state, and local guidelines) during meal cook, holding, and distribution.

2. Monitoring of the Plan - Identification of a quality control inspector or process to ensure, at a minimum, that constant oversight is maintained of all food provision, preparation and serving processes during the period of performance, including supply chain management and recalls.

During the term of the contract, the Contractor shall adhere to its Food Safety Plan/Quality Control Plan.

## 6. CONTRACT DELIVERABLES

| ITEM # | REFERENCE SOW SECTION # | DELIVERABLE | DUE DATE |
|---|---|---|---|
| 1 | 5.5 | Food Safety Plan / Quality Control Plan | Initial with proposal. |
| 2 | 10 | Quarterly Sales Activity Report | Sample submitted with proposal. Quarterly submission required during performance. |
| 3 | 5.3 | Current business health certification | Submitted with proposal. |

| | | | |
|---|---|---|---|
| 4 | 5.4 | Food Handler Physical Examination Documentation – Initial | 10 business days after award of IDIQ. |
| 5 | 5.4 | Food Handler Physical Examination Documentation – Update/Renewal | Annually at anniversary date of award, and upon request of CO, CS or COR. |
| 6 | 5.3 | Food handling and licensing certifications as required by the state in which the Contractor shall be operating within. | With proposal submission. |
| 7 | 11.0 | full name, social security number, and date of birth of all personnel who shall be working on the contract, including those personnel claiming to have successfully passed a background investigation by CBP/DHS or other agency, and submit such information and documentation to have a CBP BI performed for all contracted personnel. | Within 24 hours after award. |

## 7. GOVERNMENT FURNISHED EQUIPMENT AND INFORMATION

Government furnished equipment shall not be provided. No information beyond the Government's order requirements shall be provided.

Any information made available to the Contractor by the Government shall be used only for carrying out the provisions of the contract as awarded and shall not be divulged or made known in any manner to any persons except as may be necessary in the performance of the contract.

The Contractor shall not use, disclose, reproduce, or otherwise divulge or transfuse to any persons any technical information or data licensed for use by the Government that bears any type of restrictive or proprietary legend except as may be necessary in the performance of the contract.

In performance of this contract, the Contractor assumes the responsibility for protection of the confidentiality of all Government records and/or protected data provided for performance under the contract. Contractor shall further ensure that all work performed by any subcontractor is subject to the provisions of this SOW, the IDIQ, and all subcontract work is performed under the supervision of the Contractor or its employees.

## 8. DELIVERY AND PERFORMANCE LOCATIONS

- See Appendix 1

## 9. ORDERING PERIOD

5 Years from Date of Award. Task Orders will define the periods of performance.

## 10. REPORTING REQUIREMENT

The Contractor shall provide a Quarterly Sales Activity Report to the Administrative Contracting Officer within 15 calendar days after the end of each quarter following award, using any electronic format desired. Each Quarterly Sales Activity Report shall contain, at a minimum, the following information: (1) monthly summary of orders under the contract from the previous quarter by organizational component; (2) cumulative summary of orders under the contract to date by organizational component; (3) any issues that need attention; and (4) line-item detail for each product purchased in an order. For example, if one order consists of three (3) products, there shall be three (3) entries under that one order number.

Quarterly Sales Activity Reports shall be provided in electronic format and emailed to the Contracting Officer. Email will be provided per each individual Task Order. The subject line of the email notice presenting the submission of the Quarterly Sales Activity Report shall be annotated with – **"Contract Number, SB Meals IDIQ Quarterly Sales Activity Report [Quarter/Year]**."

## 11. SECURITY: Background Investigation Requirements

A current favorable background investigation (BI) is required for work on this contract. CBP's Personnel Security Division (PSD) must vet contractor personnel prior to beginning any work under this contract.

The Contractor shall pay particular attention to the terms and conditions of the included clause entitled Special Security Requirement – Contractor Pre-Screening (AUG 2022) as well as Section 12.3, PREA Pre-Screening in this SOW.

Contractor shall nominate to the CBP BI process only those personnel who have passed all requirements of the pre-screening clause. When submitting documentation for candidates to the CBP BI process, Contractor shall additionally provide written proof that pre-screening has been completed and all pre-screening requirements have been met for the candidate.

The BI process is thorough, and proper pre-screening of potential Contractor personnel is critical to completion of this task and the ability of the Contractor to successfully meet the requirements of the contract.

Contractor personnel must be immediately removed by the Contractor if notified by PSD that derogatory information has been discovered as part of the background investigation. Upon any notification from PSD that derogatory information has been discovered regarding a candidate, CORs are responsible for notifying the Contractor that said candidate shall not be allowed any responsibility or work on contract. Contractor shall be responsible for taking immediate action to remove that individual from staff listing and replacing as necessary. The COR shall notify PSD when complete. Action to remove that individual from contract operations upon such notification from the COR shall occur within two (2) hours after notification from the COR.

All personnel employed by the Contractor for the performance of work outlined herein either shall currently possess or shall be able to favorably pass a background investigation. For contractor personnel who currently possess a favorably adjudicated DHS investigation, reciprocity may be applicable. The Contractor shall submit within 24 hours after award a list containing the full name, social security number, and date of birth of all personnel who shall be working on the contract, including those personnel claiming to have successfully passed a background investigation by CBP/DHS or other agency, and submit such information and documentation to have a CBP BI performed for all contracted personnel.

## 12. SPECIAL CONSIDERATIONS

### 12.1. Federal Holidays

The Contractor shall be required to maintain meal delivery and distribution service during all Federal Holidays and all weekends.

### 12.2 *Flores* Settlement Compliance Orientation

The Appendix 2 document entitled "Exhibit 4(d): Summary of CBP *Flores* Agreement: RGV and El Paso Sectors" is a part of this IDIQ contract as CBP Policy Guidance relevant to the work to be performed and meals to be delivered under this SOW for the Rio Grande Valley and El Paso Sector facilities only.

The Contractor shall provide Exhibit 4(d): Summary of CBP *Flores* Agreement: RGV and El Paso Sectors in written form to all Contractor personnel who perform services in Rio Grande Valley and/or El Paso Sector facilities as an orientation regarding the requirements of CBP's Settlement Agreement. Generally, Exhibit 4(d) sets out CBP policy guidance intended to ensure that CBP and all contractor personnel treat minors in CBP custody with dignity, respect and special consideration for their particular vulnerability as minors and that CBP facilities where minors are being held are safe and sanitary. For this IDIQ, requirements relevant to the food services and meals being provided are summarized under the Food Service header within Exhibit 4(d). Questions regarding Exhibit 4(d) shall be directed to the IDIQ Contracting Officer. The Contractor shall prepare and retain a record that adequately documents its compliance with this orientation requirement and shall provide this record to the IDIQ CO upon request.

### 12.3 PREA Pre-Screening

In addition to other pre-screening required by this contract/order, Contractor also agrees to provide pre-screening of applicants to ensure compliance with 6 CFR § 115.117 and CBP Clause H.26 PREVENT, DETECT AND RESPOND TO SEXUAL ABUSE AND ASSAULT IN CONFINEMENT FACILITIES (FEB 2017), prior to submitting names to CBP for background clearance. Contractor must affirmatively ask all personnel who may have contact with detainees on this contract/order about previous misconduct described in 6 C.F.R §115.117(a) in written applications or interviews and document and preserve the responses before making prospective personnel available for onboarding. Please refer to the CBP PREA Questionnaire for questions that the Contractor should ask. Contractor shall maintain documents with responses during the contract/order term and submit to CBP upon request.

Further, consistent with Federal, State, and local law, the Contractor shall make its best efforts to contact all prior institutional employers (as defined in 42 U.S.C. § 1997) where the proposed Contractor personnel performed services to inquire about substantiated allegations of sexual abuse. Contractor personnel having contact with detainees shall not have been convicted of engaging or attempting to engage in sexual abuse as defined by 6 CFR § 115.6 or sexual activity facilitated by force, overt or implied threats of force or coercion or if the victim did not consent or was unable to consent or refuse. The Contractor personnel shall not have been civilly or administratively adjudicated to have engaged in such activity. When submitting the name of such an applicant for CBP background clearance, the Contractor shall provide to the COR the steps taken to comply with these pre-screening requirements, including the steps taken to verify that the proposed Contractor personnel had not previously engaged in the defined sexual abuse activities above. The Contractor shall further certify in writing that its vetting included all of the stated PREA requirements and produced negative results. The Contractor shall impose on such personnel the continuing affirmative duty to disclose any such misconduct and the Contractor must promptly report that information to the COR.

## 13. POINTS OF CONTACT

All contract questions and concerns shall be directed to the point of contact designated below. The Contracting Officer is the only individual with the authority to amend the contract.

### 13.1 Contracting Officer (CO)

Christopher Shaw
Contracting Officer (CO)
US Customs and Border Protection
Border Enforcement Contracting Division – Pacific Branch
Email: christopher.j.shaw@cbp.dhs.gov

### 13.3 Contracting Officer's Representative (COR)

To be determined (TBD).

### 13.4 Program Office POCs

TBD

# APPENDIX ONE (1) – LOCATION DATA

## CBP, US Border Patrol (USBP)
## Southern Border Food Services IDIQ

**Region 1:**

**USBP SAN DIEGO SECTOR**

San Diego Sector Area of Responsibility

The San Diego Sector encompasses 56,831 square miles including 931 miles of coastal border from the California border with Mexico north to Oregon. San Diego Sector's primary operational area of responsibility consists of 7,000 square miles including 60 linear miles of international boundary with Mexico and 114 coastal border miles along the Pacific Ocean.

The stations that make up the San Diego Sector are:

- Brown Field Station
- Boulevard Station
- Campo Station
- Chula Vista Station
- El Cajon Station
- Theodore L. Newton, Jr. and George F. Azrak Station
- Imperial Beach Station
- San Clemente Station

**Region 2:**

**USBP EL PASO SECTOR**

El Paso Sector Area of Responsibility

The El Paso Sector is comprised of eleven stations and covers the geographical region of the entire state of New Mexico as well as two counties within far west Texas.

The stations that make up the El Paso Sector are:

- Las Cruces Station
- Albuquerque Station
- Fort Hancock Station
- Ysleta Station
- Truth or Consequences Station
- Alamogordo Station
- Deming Station
- Santa Teresa Station
- El Paso Station

- Lordsburg Station
- Clint Station

**Region 3:**

**USBP RIO GRANDE VALLEY SECTOR**

Rio Grande Valley Sector Area of Responsibility

The Rio Grande Valley Sector is comprised of more than 34,000 square miles of Southeast Texas and is comprised of 34 Texas counties.

The stations that make up the Rio Grande Valley Sector are:

- Brownsville Station
- Fort Brown Station
- Weslaco Station
- Harlingen Station
- McAllen Station
- Rio Grande City Station
- Falfurrias Station
- Kingsville Station
- Corpus Christi Station
- Ursula Central Processing Center (CPC)

**Region 4:**

**USBP MIAMI SECTOR**

Miami Sector Area of Responsibility

The Miami Sector consists of approximately 187,000 square miles and is responsible for 1,279 miles of coastal border along the Atlantic and Gulf shores of Florida.

The stations that make up the Miami Sector are:

- Dania Beach Station
- Jacksonville Station
- Marathon Station
- Orlando Station
- Tampa Station
- West Palm Beach Station

# APPENDIX TWO (2) – EXHIBIT 4(d)

## CBP, US Border Patrol (USBP)
## Southern Border Food Services IDIQ

Exhibit 4(d) – Summary of CBP *Flores* Agreement

The Parties entered into this Agreement for the purpose of clarifying the Parties' understanding of the meaning of certain provisions of the *Flores* Settlement Agreement ("Settlement"), as they apply to conditions of CBP detention in the Rio Grande Valley (RGV) and El Paso Sectors of the U.S. Border Patrol. The provisions in question are Paragraphs 11 and 12A. "Juveniles" include all minors under the age of 18 in CBP custody, both accompanied and unaccompanied.

The information below has been summarized from the actual Agreement for training/orientation purposes. Exhibit 4 mainly addresses sections VII. Conditions at CBP Facilities, VIII. Extended Time in Custody, and Annex I. Since the Agreement applies to both CBP employees and contractors, the summarized information was organized into the following areas of responsibility: USBP Headquarters and El Paso and RGV Sector Management; U.S. Border Patrol Agents; CBP Procurement Directorate, and RGV and El Paso Contractors; the Juvenile Coordinator's Office; and the Office of the Chief Medical Officer. If additional information is needed, please refer to the Agreement.

### Definitions

- A Juvenile Priority Facility is a facility, designated by CBP, as being the first option to hold juveniles until appropriate placement with ICE or HHS can be secured or release from CBP custody can be accomplished.
- Medical Priority Locations are any CBP facility with contracted medical personnel. All Juvenile Priority Facilities will be medical priority locations.

## USBP Headquarters and RGV/El Paso Sector Management

**Facilities**

- CBP shall display Exhibit 1 (poster) in all CBP facilities in the RGV and El Paso Sectors where juveniles are held. The poster will be placed in close proximity to juveniles.
- Juvenile Priority Facilities
  - CBP shall identify at least one Juvenile Priority Facility in RGV Sector and one in El Paso Sector, notify Class Counsel of this designation, and begin utilizing those facilities. If CBP changes its juvenile priority facilities or commences operation of a new Juvenile Priority Facility in either the RGV or El Paso Sectors, CBP shall notify Class Counsel within thirty days.
  - All Juvenile Priority Facilities shall be designated as medical priority facilities.
  - CBP Juvenile Priority Facilities will have 24/7 access to contracted onsite medical support.
  - All juveniles not immediately returned voluntarily to their country of origin shall be transferred to juvenile priority facilities within 24 hours of arrival at a non-priority

facility, or, in exigent circumstances, 48 hours.
    - All reasonable efforts shall be made to keep juveniles in Juvenile Priority Facilities while in CBP custody.
    - Juvenile Priority Facilities shall work to reduce the use of fencing and enclosures that are not needed for security reasons.
    - Juvenile Priority Facilities, to the extent possible, shall have areas that provide the least restrictive setting for juveniles appropriate to their age and special needs. These settings will be consistent with the need to ensure safety and security of everyone within the facility.
    - The planning and construction of new CBP facilities in the RGV and El Paso Sectors will take into consideration that the facilities will be permanently or temporarily used as Juvenile Priority Facilities.
    - Juvenile Priority Facilities shall work to reduce the use of fencing and enclosures not needed for security purposes.
- Non-Priority Facilities
    - Non-priority facilities shall maintain an adequate supply of items to accommodate the temporary holding of juveniles including:
        - Mats and blankets;
        - External garments, such as sweatshirts, and jackets;
        - Undergarments and clothing, such as sweatpants, t-shirts, and underwear;
        - Diapers of varying sizes and baby wipes;
        - Potable water, cups as appropriate, meals, and snacks;
        - Hygiene products to include soap and/or hand sanitizer, a mechanism for drying hands, toothbrushes, and toothpaste; and
        - Disposable baby bottles, baby formula, and baby/toddler food, cloth swaddling blankets, and beanies.

**Nutrition Standards**

- All facilities
    - Juveniles shall have access to age-appropriate meals and snacks that meet age-appropriate daily caloric needs and hydration needs. Food shall be in edible condition and not frozen, expired, or spoiled.
    - Food and water shall never be used as a reward or withheld as punishment.
    - Juveniles shall have ready access to clean drinking water and cups, as appropriate. There shall be a sufficient number of cups so that juveniles do not have to share cups. Portable water coolers shall be covered or enclosed and shall be washed or rinsed with warm water once during each shift and be thoroughly cleaned at least weekly. Portable water coolers shall be replaced when not working properly or unable to be cleaned due to age or deterioration.
    - Juveniles shall be offered snacks upon arrival to a CBP facility and meals at regularly scheduled intervals. Two of the meals shall be hot. Juveniles shall have regular access to snacks, milk, and juice.
    - Safe and hygienic age-appropriate food shall be provided to children under the age of two, including baby formula and baby foods.

    - Disposable baby bottles, potable water, and formula mixing instructions shall be readily accessible along with instructions in English and Spanish and diagrams on how to mix formula.
    - CBP shall record the availability of snacks and drinking water and the provision of meals in the appropriate electronic system of record.
    - CBP shall support breast feeding as desired by mothers in custody with young children.
    - CBP shall accommodate food allergies with simple, basic, readily available hypoallergenic alternatives.
  - Juvenile Priority Facilities
    - At least one of the following shall be available to all juveniles outside of the common toilet area: functioning clean and hygienic water fountains, bottled water, or portable water coolers with cups available.
    - CBP shall ensure all food service contracts provide meals that meet USDA nutritional guidelines and all other USDA-consistent nutritional standards adopted by CBP, for both tender-age children (age 12 and under) and older children (age 13 and over).
    - CBP shall use best efforts to accommodate juveniles' dietary restrictions and preferences.
- Non-Priority Facilities
  - CBP shall work with the Juvenile Care Monitor to develop and implement appropriate guidelines for food provided to juveniles in non-priority facilities.

**Temperatures and Warmth – All Facilities**

- Temperature
  - CBP shall maintain a temperature range between 69°F and 83°F, with the target temperature being one that is considered generally comfortable.
  - Facilities shall closely monitor and record ambient temperatures via digital displays or a temperature reading device.
- Garments
  - All facilities will maintain a stock of age-appropriate clothing for juveniles in a variety of sizes, including t-shirts, underwear, socks, sweatshirts, sweatpants, jackets, etc.
  - Juveniles shall be provided clean, dry clothing if their clothing is wet or soiled or when their personal clothing is discarded or laundered.
  - Juveniles shall be allowed to retain possession of their warm clothing unless they pose a health or safety hazard.
  - Beanies in various sizes shall be available for children under the age of five.
  - Blankets shall be available for juveniles, including cloth swaddling blankets for infants and children under the age of two.

**Sleep**

- All Facilities
  - CBP shall make all reasonable efforts to provide juveniles with sufficient space and a mat and blanket during sleep hours, typically from 2200-0600 hours.
  - Juveniles shall be provided blankets or extra clothing for adequate warmth upon request or upon expressing general discomfort from cold or when observed shivering or

huddling for warmth.
    - If there are no safety concerns and not physically impracticable to do so, facilities shall make reasonable efforts to dim the lights between 2200 hours and 0600 hours. Dimming can include turning off sections of lighting in cells or pods. The facilities shall always maintain sufficient light to enable agents, security officers, and caregivers to properly monitor all individuals in custody.
    - CBP shall make reasonable efforts to minimize noise and disruptions between 2200 hours and 0600 hours.
- Juvenile Priority Facilities
    - Clocks shall be placed in locations visible from each pod/cell unless there is no available space.

**Hygiene and Sanitation**

- All Facilities
    - Hygiene kits shall be available to all juveniles upon request and when showers are offered. Such kits shall include appropriate soap for hair and body, toothbrushes/toothpaste, and towels for showering.
    - Toothbrushes/toothpaste shall be provided daily or upon request. When juveniles are part of a family unit or family group, parents and other accompanying adult family members are responsible for the dental hygiene of the juveniles.
    - If laundry facilities are available or laundry services are contracted, soiled clothing shall be laundered if operationally practicable. Otherwise, clean clothing shall be available to replace soiled clothing, including swaddling blankets, sweatpants, etc.
    - Diapers in a variety of sizes and baby wipes shall be accessible.
    - All juveniles shall always have access to functioning toilets and sinks, toilet paper, soap and/or hand sanitizer, and feminine hygiene products. Juveniles shall have a way to dry their hands.
    - Janitorial and portable toilet contractors shall maintain toilets and had washing stations.
    - Adequate storage space for storing hygiene supplies shall be available.
- Juvenile Priority Facilities
    - CBP shall provide a shower to each juvenile shortly after their arrival at the facility, and additional showers at 48-hour intervals thereafter.
    - If space is available, infant changing stations shall be maintained.
    - In juvenile priority facilities where caregivers are available, caregivers shall assist unaccompanied class members in their hygiene routines, as needed.
    - In juvenile priority facilities where caregivers are available, caregivers shall assist family groups or units as needed in their hygiene routines, to include caring for minor children while parents or other adult family members shower.

**Child Appropriate Environment**

- All Facilities
    - CBP shall treat all juveniles in custody with dignity, respect, and special concern for their particular vulnerability as minors and place each juvenile in the least restrictive setting appropriate to the juvenile's age and special needs.

- Absent an articulable operational reason, juveniles apprehended with adult family members (including non-parents or legal guardians) shall remain with that family member during their time in CBP custody, in accordance with TEDS, as well as the requirements of TVPRA.
- When there is an operational reason to house family members separately, CBP shall record the reasons for holding them apart and make all reasonable efforts to ensure that the family members are able to interact.
- When family members are held separately, efforts shall be made to ensure interaction between family members, such as providing a common area for visiting during the day, allowing them to share meals together in a common area, or allowing them to participate in recreation.
- CBP shall notify HHS/ORR of UCs who are related and in need of placement to try to have them placed together or in facilities that are close to each other to allow for family interaction.
- CBP shall make all reasonable efforts to provide UCs daily access to a phone to permit contact with family members.

- Juvenile Priority Facilities
  - CBP shall make reasonable efforts to have televisions available in pods that routinely hold juveniles when the televisions can be secured in a location that minimizes damage to the televisions or possible injury to the persons in the facility.
  - Facilities shall try to have available age-appropriate toys/activities that do not pose a health or security risk to any person in the facility.
  - Facilities shall provide child appropriate furniture that does not pose a health/safety risk in areas holding tender age children when operationally feasible.
  - Facilities shall provide UCs with at least one daily message (in person or video) providing reassurance of their safety and orienting them to date, time, location, and general process/disposition/expectations.

**Medical – All Facilities**

- CBP shall promptly activate the 911 system or refer juveniles to the local health system whenever appropriate for evaluation and treatment. Further, CBP shall refer juveniles with urgent or emergent medical issues to the local health system.
- Agents in the field shall be trained to recognize and respond to signs/symptoms of injury or illness.
- CBP will coordinate with ICE and HHS ORR regarding the transfer of persons in custody with identified medical issues.
- CBP shall conduct a health intake interview on all juveniles in custody upon arrival at a

**U.S. Border Patrol facility. This interview shall identify juveniles who are tender age (12 and under); pregnant; or with an illness, injury, disease, or other medical issue.**

- Medical assessments shall be conducted on all juveniles who are tender age; pregnant; or with an injury, illness, disease, acute needs associated with a disability or chronic illness, or other medical issue. If contract medical personnel are unavailable, individuals in custody may be referred to the local health system or other available health care providers for a

medical assessment, as appropriate.

- Juveniles in isolation/quarantine shall be provided a means to communicate with accompanying family member who are not isolated/quarantined with them at least twice a day, so long as such communication will not jeopardize the health or safety of the juvenile or their accompanying family member. While a juvenile and their accompanying relative are in CBP custody, CBP will make best efforts to allow an accompanying adult relative to remain with a class member who requires quarantine, if medically appropriate and operationally feasible.
- Any juvenile who received medical care in CBP custody shall have an exit health interview conducted by CBP contracted medical personnel. CBP will provide appropriate summary documentation of medical events which occurred within CBP custody to the patient or parent/legal guardian upon leaving CBP custody.
- CBP shall ensure documentation provided by the emergency room or hospital is shared with or transferred to appropriate parties as people are transferred or released from custody.

**Extended Time in Custody – Over 72 Hours**

- All Facilities
  - Provide a supplemental health interview to all juveniles every 5 days.
  - Conduct enhanced medical monitoring on juveniles, as appropriate, as needed.
  - Continue to offer showers to juveniles every 48 hours.
  - Continue to provide toothbrushes/toothpaste to juveniles daily and upon request, as well as hygiene kits at the time showers are provided.
  - Continue to provide juveniles access to clean and dry clothes.
  - Continue to provide adequate food and clean drinking water. Make all reasonable efforts to provide additional variety in meals.
  - Continue to provide mats and blankets during hours of sleep, as well as making reasonable efforts to dim the lights in CBP facilities during hours of sleep.
- Juvenile Priority Facilities
  - Provide recreation and other child-appropriate activities daily. CBP shall make all reasonable efforts to provide outdoor recreation.

## U.S. Border Patrol Agents

- CBP shall transfer all juveniles who are not immediately returned to their country of origin to a Juvenile Priority Facility as expeditiously as possible, in general, within 24 hours of arrival at a non-priority facility, but no longer than 48 hours after arrival at a non-priority facility.
- Juveniles held in each pod in a CPC or soft-sided facility will generally be able to move freely around that pod.
- Juveniles aged 14 and older and all accompanying adult family members of juveniles under 14 years old shall be informed of their rights under this agreement orally and by video. They shall be provided an I-770 in English and Spanish. If the juvenile or accompanying adult family member do not read or speak Spanish, the I-770 shall be read to them in their native language.

- CBP shall provide a list of free legal services to all juveniles.
- Facilities shall provide UCs with at least one daily message (in person or video) providing reassurance of their safety and orienting them to date, time, location, and general process/disposition/expectations.

**Medical**

- CBP shall promptly activate the 911 system or refer juveniles to the local health system whenever appropriate for evaluation and treatment. Further, CBP shall refer juveniles with urgent or emergent medical issues to the local health system. Agents in the field will recognize and respond to urgent medical issues requiring activation of 911/EMS or transport to local health system.
- CBP will coordinate with ICE and HHS ORR regarding the transfer of persons in custody with identified medical issues.
- CBP shall conduct a health intake interview on all juveniles in custody upon arrival at a **U.S. Border Patrol facility. This interview shall identify juveniles who are tender age (12 and under); pregnant; or with an illness, injury, disease, or other medical issue.**
- Medical assessments shall be conducted on all juveniles who are tender age; pregnant; or with an injury, illness, disease, acute needs associated with a disability or chronic illness, or other medical issue. If contract medical personnel are unavailable, individuals in custody may be referred to the local health system or other available health care providers for a medical assessment, as appropriate.
- Agents shall refer juveniles with medical concerns to contracted medical personnel or to the local health system, as appropriate, and shall conduct regular 'welfare checks' to include observation for medical concerns.
- Agents shall inform individuals in custody that they have a right to medical treatment and shall inform and encourage individuals in custody to self-refer or to refer family members or companions for medical care.
- Any juvenile who received medical care in CBP custody shall have an exit health interview conducted by CBP contracted medical personnel. CBP will provide appropriate summary

**Documentation of medical events which occurred within CBP custody to the patient or parent/legal guardian upon leaving CBP custody.**

- CBP shall ensure documentation provided by the emergency room or hospital is shared with or transferred to appropriate parties as people are transferred or released from custody.

**Nutrition Standards**

- Juveniles shall have accesses to age-appropriate meals and snacks. Food shall be in edible condition (not frozen, expired, or spoiled).
- Food and water shall never be used as a reward or withheld as punishment.
- CBP shall always provide ready access to clean drinking water and, as appropriate, cups. Drinking water may be provided via mechanisms such as functioning clean and hygienic

water fountains, bottled water, or covered portable water coolers.
    - Sufficient cups shall be provided in all areas juveniles are held so that they are not required to share drinking cups with others.
    - Where portable water coolers are used, they shall be washed or rinsed with warm water once during every shift and thoroughly cleaned at least weekly.
- Juveniles shall be offered a snack upon arrival at a CBP facility. Juveniles shall have regular access to snacks, milk, and juice. Safe and hygienic age-appropriate food shall be provided to children under the age of two, including baby formula and baby foods.
- Juveniles shall be offered meals at regularly scheduled intervals. At least two of the meals shall be hot.
- Agents shall comply with food handling instructions included in any packaged food and shall wear gloves when preparing food.
- CBP shall record the availability of snacks and drinking water and the provision of meals for juveniles.
- CBP shall support breast-feeding as desired by mothers in custody with young children.

Temperature and Warmth

- The temperature range inside facilities shall be no less than 69°F and no more than 83°F.
- Agents shall record the temperature in the appropriate electronic system of record at appropriate intervals, no less than twice per day.
- If juveniles' clothing is wet or soiled, they shall be provided clean, dry clothing.
- If juveniles have their own warm clothing at the time of apprehension, they shall generally retain possession of it unless it poses a health or safety risk.
- Additional blankets shall be available upon request for the juvenile, their parents, or other accompanying family member.
- Juveniles shall be provided blankets or extra clothing for adequate warmth upon request or upon expressing general discomfort from cold or when observed shivering or huddling for warmth.

**Sleep**

- CBP shall make all reasonable efforts to provide juveniles with sufficient space, as well as a mat and blanket, during sleep hours (typically defined as from 2200 hours to 0600 hours).
- If there are no safety concerns and it is not physically impracticable to do so, CBP shall make reasonable efforts to dim the lights during sleep hours. Dimming can include turning off sections or lighting in the cells or pods.
- CBP shall make reasonable efforts to minimize noise and disruptions during sleep hours.

Hygiene and Sanitation

- Hygiene kits shall be available to juveniles upon request and will be provided to each juvenile when showers are offered.
- At Juvenile Priority Facilities, all juveniles shall be provided a shower as soon as possible upon arrival and additional showers at 48-hour intervals after that.
- Toothbrushes/toothpaste shall be provided daily and available upon request.
- All juveniles shall have access to functioning toilets and sinks, toilet paper, soap and/or

hand sanitizer, and feminine hygiene products. Juveniles shall have a way to dry their hands.

- At juvenile priority facilities at which caregivers are present, caregivers can help unaccompanied juveniles with their hygiene routines if needed. Caregivers can also help family units with their hygiene routines if needed, such as watching minor children while the parent showers.

**Child-Appropriate Environment**

- CBP shall treat all juveniles in custody with dignity, respect, and special concern for their particular vulnerability as minors and place each juvenile in the least restrictive setting appropriate to the juvenile's age and special needs.
- Absent an articulable operational reason, juvenile apprehended with adult family members shall remain with that family member during their time in CBP custody, in accordance with TEDS, as well as the requirements of TVPRA.
  - Family members include parents, legal guardians or adult siblings, grandparents, cousins, aunts, uncles, great-aunts, or great-uncles.
- When there is an operational reason to house family members separately, CBP shall make and record the reasons for holding them apart. All reasonable efforts shall be made to ensure that family members have the opportunity to interact, such as providing a common area for visiting during the day, allowing them to share meals together in a common area, or allowing them to participate in recreation.
- Agents shall inform juveniles that if they are housed separately from a family member, they can ask agents, guards, or caregivers to interact with that family member. This information must be provided orally.
- CBP shall notify HHS/ORR when there are UCs who are related and in need of placement.
- CBP shall make reasonable efforts to provide UCs daily access to a phone call to permit contact with family members.

**Extended Time in Custody**

**When a juvenile remains in CBP custody for more than 72 hours, CBP shall:**

- Provide a supplemental health interview to all juveniles every 5 days;
- Conduct enhanced medical monitoring on juveniles, as appropriate, as needed;
- Continue to offer showers to juveniles every 48 hours;
- Continue to provide toothbrushes and toothpaste to juveniles daily and upon request, as well as hygiene kits at the time showers are provided;
- Continue to provide juveniles access to clean and dry clothes;
- Continue to provide juveniles with adequate food and clean drinking water;
- Continue to provide mats and blankets during hours of sleep, as well as continue to make reasonable efforts to dim the lights in CBP facilities during hours of sleep; and
- In Juvenile Priority Facilities, provide opportunities for recreation and other child-appropriate activities daily. CBP shall make all reasonable efforts to provide juveniles with outdoor recreation.

# CBP Procurement Directorate and RGV/El Paso Sector Contractors

**Quality Assurance**

- CBP shall assign a Contracting Officer Representative (COR) to oversee the contracts of each Juvenile Priority Facility.
- Contract terms shall not be inconsistent with the terms of this Agreement.
- The COR shall monitor the contracts and recommend corrective actions if deficiencies are noted.
- The COR shall also recommend increases in the services provided to ensure services are adequate even during a surge.
- Each contract shall have quality assurance measures to ensure all the standards in the contract statement of work are met. The COR will oversee the quality assurance process and collects logs documenting the existing process.
- CBP shall work toward training a limited number of COR level three representatives to provide a second level of observation and compliance for the contracts.

**Caregivers**

- General Provisions
  - All Juvenile Priority Facilities shall utilize caregivers.
  - Caregiver services shall be available on a 24/7 basis, to include weekends and federal holidays.
  - The contractor shall provide a mixed gender staff to include at least one male and one female staff member at all times. A supervisor shall be available at all times.
  - CBP shall provide an orientation to caregivers regarding the general requirements included in this Agreement as well as information on monitoring in CBP facilities, caregiver's role in observing and reporting inappropriate behavior, juvenile health conditions, and the recognition and referral of those juveniles displaying emotional and mental distress. Their training will also include Prison Rape Elimination Act (PREA) compliance, *Flores* compliance, and compliance with the CBP National Standards on Transport, Escort, Detention, and Search (TEDS).
- Additional Provisions
  - CBP will make best efforts to hire, contract for, or provide additional caregivers or other individuals sufficient to provide additional support for juveniles in custody.
  - Such additional Caregiver Support will include:
    - Assist juveniles in communicating with family members held in a separate cell or pod.
    - Monitor, change diapers, assist with toilet use and hand-washing, feed juveniles who cannot feed themselves, and tend to similar basic needs as they arise.
    - Provide supervision and support to juveniles during recreation and exercise activities.
    - Assist with distribution of meals.

    - CBP shall make best efforts to provide caregiver staffing sufficient to:
        - Provide at least one caregiver for each holding pod or cell holding juveniles. For pods holding family units, the caregivers can be re-assigned if needed to supplement an emergent need to provide for special needs and tender age children.
        - Provide enough additional caregivers in place to assist with showers, meals, recreation time, and other responsibilities without depleting the pod staffing. The additional caregivers do not need to be available during hours in which these activities are not typically provided.
        - Provide additional staff during surges.
- Caregiver Responsibilities
    - Support general care to juveniles up to age 5.
        - Caregivers shall assist unaccompanied minors in their hygiene routines, as needed.
        - Caregivers shall assist family groups or units as needed in their hygiene routines, to include caring for minor children while parents or other adult family members shower.
    - Coordinate the collection and bagging of dirty laundry.
    - Issue and collect shower/hygiene supplies.
    - Monitor (i.e., maintain visual contact at all times) all juveniles going into and out of showers, from start to finish, taking care to adhere to DHS regulations implementing the PREA.
    - Assist in bathing juveniles.
    - Store clothing and issue it to juveniles to use while their clothing is washed.
    - Maintain inventory of the clothing, towels for showering, and hygiene kits available for use and notify CBP staff of any low inventories.
    - Refer any suspected or reported medical or mental health issues to USBP personnel or medical personnel onsite.
    - Maintain a safe working environment, observing and encouraging adherence to safety rules and health guidelines.
- Juveniles may ask caregivers for extra clothing, a blanket, a mat, snacks, juice, milk, drinking water, feminine hygiene products, soap, towels for showering, and a toothbrush and toothpaste, at any time.
- Juveniles may ask caregivers for help if they feel sick or need medical care, or if a family member needs medical care.
- If juveniles want to see a family member not held in the same room, they may ask a caregiver to contact that family member.
- Caregivers shall meet all required background checks and have sufficient experience and training to provide general support to juveniles in custody.

**Food Service**

- Food service contractors shall provide appropriate quality assurance, subject to CBP COR oversight.
- All meals shall be prepared in a safe and sanitary manner, considering all appropriate food safety requirements.

- Meals provided at priority facilities that are appropriate for tender-age children (age 12 and under) shall meet USDA nutritional guidelines and all other USDA-consistent nutritional standards adopted by CBP.
- Meals provided at priority facilities that are appropriate for older children/adults (age 13 and over) shall meet USDA nutritional guidelines and all other USDA-consistent nutritional standards adopted by CBP.

**Medical**

- Contracted medical personnel shall provide initial assessment, treatment, and referral to detained individuals.
- CBP shall conduct a health intake interview with all juveniles upon initial arrival at a U.S. Border Patrol facility in RGV and El Paso Sectors. This interview shall be conducted by contracted medical personnel or by Border Patrol agents, as appropriate.
    - CBP shall use a standardized form (CBP Form 2500) for this health interview, in addition to any forms utilized by CBP medical contractors.
    - During the health interview, CBP shall identify juveniles who are tender age (12 and under); pregnant; or with an illness, injury, disease, or other medical issue. For such juveniles, CBP will make the appropriate disposition, based on circumstances.
    - Juveniles will be assessed for current or unmet medication needs.
    - If a juvenile has medication with them, it will be assessed to determine validity, currency, and appropriateness. If the medication is deemed to be appropriate, it may be dispensed in a controlled manner. If there is any question about the appropriateness of the medication, the juvenile will be evaluated by medical personnel onsite or referred to the local health system as expeditiously as possible to evaluate medication requirements. If medication is required, a prescription will be obtained from onsite medical personnel or from the local health system and filled. Medication shall be held by CBP while a juvenile is in custody and dispensed in a controlled manner consistent with prescription instructions.
- Medical assessments shall be conducted on all juveniles who are tender age; pregnant; or with an injury, illness, disease, acute needs associated with a disability or chronic illness, or other medical issue. The assessment will be conducted by CBP contracted credentialed medical providers, when available. If providers are not available, individuals in custody may be referred to the local health system or to other available health care providers for a medical assessment, as appropriate. Complex or emergency issues shall be referred to the local health system.
    - Medical assessments shall include a detailed assessment for potential medical issues requiring further evaluation, including:
        - Targeted history, physical, vital signs, review of systems, assessment, disposition
        - Consideration of nutritional issues (such as potential acute malnutrition or dehydration) and mental or behavioral health issues. Juveniles in custody identified with a potential nutrition-related concern shall receive appropriate evaluation by onsite medical support personnel or referral to the local health system.
    - For juveniles identified as requiring additional medical evaluation or treatment, CBP

will make the appropriate disposition based on circumstances.

- At Juvenile Priority Facilities, CBP contracted medical personnel shall always be onsite and able to provide evaluation and treatment for basic medical issues identified upon initial intake assessment or throughout time in custody.
- CBP contracted medical personnel shall provide follow-up care after referral to a local health system or hospitalization.
- CBP contracted medical personnel shall provide support to early identification, treatment, isolation, appropriate referrals, infection control, and public health support for infectious diseases in CBP facilities.
- CBP contracted medical personnel shall conduct exit health interviews for juveniles who receive medical treatment in CBP custody, as appropriate, to ensure persons in custody are fit for travel or transfer. CBP will provide appropriate summary documentation of medical events which occurred within CBP custody to the patient or parent/legal guardian.
- If a juvenile is in CBP custody for longer than 72 hours, CBP shall provide a supplemental health interview every 5 days. CBP shall also conduct enhanced medical monitoring on juveniles, as appropriate as outlined in Section I.D. of the attached Medical Annex.
- Medical personnel shall maintain visibility on medical issues within the juvenile population and be prepared to engage those in custody with medical issues.
- At medical priority CBP facilities with contracted medical support, CBP shall conduct enhanced medical monitoring of persons in custody identified with significant medical issues or concerns, with an emphasis on potentially vulnerable populations such as juveniles.
    - The timing and scope of the enhanced medical monitoring shall be tailored to the individual clinical situation or circumstance.
    - Enhanced medical monitoring shall consist of, at a minimum, symptom check and temperature check (plus additional vital signs as appropriate) by medical personnel.
    - Enhanced medical monitoring shall occur, at a minimum, every 4 hours.
    - Enhanced medical monitoring shall include a determination of the appropriate disposition after referral or discharge from local health system.
    - Enhanced medical monitoring shall include a process to track people subject to enhanced medical monitoring and turnover between shifts or rotation of providers.
    - Enhanced medical monitoring shall be documented appropriately.
    - Enhanced medical monitoring shall identify juveniles whose condition is deteriorating or who are not making expected progress, and prompt notification will be made to pediatric advisors or to the local health system, as appropriate.
- Juveniles shall be provided with a supply of medication or a prescription upon transfer or release, as appropriate, and instructions regarding use of the medication.
- CBP shall ensure appropriate documentation of medical information.
- CBP shall ensure documentation provided by the emergency room or hospital is shared with or transferred to appropriate parties as people are transferred or released from custody.
- CBP shall maintain a safe working environment, observing and encouraging adherence to safety rules and health guidelines.

**Security Guards**

- Security guards shall receive an orientation informing them, among other things, that they should refer juveniles with medical concerns to medical personnel.
- Juveniles may ask security guards for help if they feel sick or need medical care, or if a family member needs medical care.
- Juveniles may ask security guards for extra clothing, a blanket, a mat, snacks, juice, milk, drinking water, feminine hygiene products, soap, towels for showering, and a toothbrush and toothpaste, at any time.
- If juveniles want to see a family member not held in the same room, they may ask a security guard to contact that family member.

## CBP Juvenile Coordinator's Office

- The CBP Juvenile Coordinator's Office (JCO) in coordination with the Office of the Chief Medical Officer, shall monitor adherence to CBP nutrition standards. Monitoring efforts shall include ongoing review of utilization of meals by tender-age children.
- When conducting site visits, JCO shall confirm that the temperature of all hold rooms where juveniles are present is within the appropriate temperature range. JCO shall also confirm that agents record whether the temperature is within range in the appropriate systems of record.
- JCO shall verify that facilities have a stock of garments during site visits.
- During site visits, JCO shall confirm availability of hygiene supplies in conformance with TEDS and guidelines established in this Agreement.
- JCO and the Office of the Chief Medical Officer shall rely on monitoring protocols approved by the Juvenile Care Monitor but retain discretion to update and amend such monitoring protocols as appropriate.
- JCO and the Office of the Chief Medical Officer shall engage with and address concerns raised by the Juvenile Care Monitor, as appropriate.

# Office of the Chief Medical Officer

- The CBP Chief Medical Officer shall engage in all aspects of CBP medical support efforts on an ongoing basis.
- JCO and the Office of the Chief Medical Officer shall engage with and address concerns raised by the Juvenile Care Monitor, as appropriate.
- CBP will continue to review the appropriateness of vaccine administration for class members in CBP custody in collaboration with other relevant government agencies and the Juvenile Care Monitor.
- CBP shall coordinate with and request assistance from other relevant stakeholders, such as the U.S. Department of Homeland Security (DHS), ICE, HHS ORR, the Centers for Disease Control and Prevention (CDC), and state/local health officials, as appropriate, for additional medical support.
- In particular, CBP shall coordinate closely with ICE and HHS ORR regarding transfer of persons in custody with identified medical issues, to include infectious diseases, mental health issues, and acute or chronic medical conditions.
- CBP shall engage with its federal partners, public health experts, and the Juvenile Care Monitor on appropriate protocols for addressing issues of public health concern.

- As part of its medical support approach, CBP (working with its broader network of medical support) shall abide by relevant medical and public health standards of care that the Juvenile Care Monitor agrees are consistent with CBP's obligations under this Agreement in its treatment of class members.
- **Trauma-Informed Care-** At Juvenile Priority Facilities, CBP shall take a trauma-informed approach to class members in custody. Recognizing the potential for trauma in their home communities and on their journey and that time in custody can be destabilizing and disorienting, CBP will make efforts to foster reassurance, resilience, orientation, recreation, and distraction.
- CBP has engaged board-certified Pediatricians to serve as contracted Pediatric Advisors to enhance CBP medical support for juveniles in custody. Pediatric Advisors will be assigned regionally based on operational risk management considerations described in the Agreement. Pediatric Advisors' roles/responsibilities include:
    - Advise on ongoing medical protocol development and refinement for juveniles in CBP custody.
    - Provide consultation support to medical staff for complex juvenile medical cases.
    - Develop and conduct juvenile focused in-service training and ongoing professional development for medical staff.
    - Contribute to Medical Quality Management (MQM) efforts through juvenile chart review and Ongoing Professional Practice Evaluation.
    - Monitor juvenile referral practices and patterns and coordinate with medical providers and local health system to optimize juvenile referral practices.
    - Work with CBP, contract medical teams, and local health system to establish primary referral sites with pediatric expertise.
- CBP has engaged credential Behavioral Health clinicians to serve as Behavioral Health Advisors to support CBP behavioral health efforts. These Behavioral Health Advisors will be assigned regionally based on operational risk management

**Considerations described in the Agreement. Behavioral Health Advisors' roles/responsibilities include:**

- Advise on ongoing behavioral health protocol development and refinement.
- Provide consultation support to medical staff for complex behavioral health cases.
- Develop and conduct behavioral health focused in-service training and ongoing professional development for medical staff.
- Contribute to MQM efforts through behavioral health chart review and Ongoing Professional Practice Evaluation.
- Monitor behavioral health referral practices and patterns and coordinate with contract medical providers and local health system to optimize behavioral health referral practices.
- Work with CBP, contract medical teams, and local health system to establish primary referral sites with appropriate behavioral health expertise.

- CBP shall adopt policies requiring that juveniles who receive medical treatment in CBP custody leave CBP with appropriate information regarding their medical condition and treatment while in CBP custody.

**Medical Quality Management**

- CBP Chief Medical Officer provides CBP medical direction and oversight of MQM efforts.
- CBP Chief Medical Officer coordinates with DHS Office of the Chief Human Capital

Officer for support to MQM efforts.

- CBP Chief Medical Officer shall work with the CBP Juvenile Coordinator to include medical support efforts in ongoing review activities.
- MQM elements:
  - Licensing and Credentials Review
  - Focused Professional Practice Evaluation (FPPE)
  - Ongoing Professional Practice Evaluation (OPPE)
  - Chart reviews
  - Inservice reviews
  - Sentinel Event reviews
- Physician Supervisors – CBP Physician Supervisors will play an integral role in the CBP MQM program through ongoing chart review, FPPE, OPPE, sentinel event review, and in-service programs.
- Pediatric Advisors – CBP Pediatric Advisors will play an integral role in the CBP MQM program, with a focus on care for juveniles, through ongoing chart review, FPPE, OPPE, sentinel event review, and in-service programs.
- Behavioral Health Advisors – CBP Behavioral Health Advisors will play an integral role in the CBP MQM program, with a focus on behavioral health, through ongoing chart review, FPPE, OPPE, sentinel event review, and in-service programs.
- Patient Safety/Quality Managers – CBP will engage contracted professional Patient Safety/Quality Managers to administer the MQM program and provide coordination and documentation of MQM program efforts.

**Public Health/Infectious Disease Management**

- CBP shall consult with partners and stakeholders, including DHS, HHS, CDC, and state and local health officials, as appropriate, to address public health/infectious disease issues in CBP facilities.
- CBP shall develop and maintain protocols regarding public health/infectious disease events in CBP facilities, to include consideration of isolation/cohorting/quarantine considerations, with an emphasis on class members.
- CBP will emphasize early identification and evaluation for public health/infectious disease issues in persons in custody, with an emphasis on class members.
- Infectious disease cases will be assessed and treated onsite (where contracted medical support personnel are available) or referred to the local health system as appropriate.

**Medical Monitoring and Compliance**

- The CBP Chief Medical Officer shall conduct medical direction and oversight of CBP medical support efforts.
- The CBP Chief Medical Officer shall work with the CBP Juvenile Coordinator to incorporate medical monitoring and compliance into ongoing Juvenile Coordinator review efforts.
- Representative examples of medical monitoring and compliance assessment may include:
  - Data points: (including age and diagnosis/disposition as appropriate)
    - Number of class members apprehended and in custody

- Number of class members with Health Intake Interview
- Number of class members with Medical Encounter
- Number of class members referred to local health system
- Number of class members admitted to hospital
- Number of class member deaths in custody

- Observation and Document Review:
  - Presence of medical support on site
  - Health intake interviews, Medical Assessments, Medical Encounters being conducted
  - Medication reviews being conducted; medications provided
  - Enhanced medical monitoring being conducted
  - Medical documentation being conducted