

SCHEDULE 12
OPERATING STANDARDS

[See Attached]

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1. INTRODUCTION AND BACKGROUND

This section of the Operating Standards describes the purpose of the Operating Standards, its approval mechanism, and an overview of the document's organizational structure.

1.1. PURPOSE OF THE OPERATING STANDARDS

The purpose of this document is to provide the minimum requirements the Concession Company shall meet for the benefit of the Commonwealth of Puerto Rico, the Puerto Rico Ports Authority (the Authority), the Cruise Lines and Other Shipping Lines in the operation and maintenance of the Cruise Port Facility, how the achievement of those minimum standards will be determined, and the process for remedying any deficiencies of performance.

1.2. OPERATING STANDARDS OVERVIEW

This document provides guidance as to the development of an Operations and Maintenance Plan that will ensure that minimum operating standards are met or exceeded, ensuring the safe and continuous operation of the Cruise Port Facility.

1.2.1. Objectives

The Cruise Port Facility must be operated and maintained such that it meets or exceeds certain minimum standards. The Concession Company shall comply with reasonable performance measures that are both quantitative and qualitative in nature, unless and except to the extent that acts or omissions of a Shipping Line, the Authority, a Governmental Authority or a Force Majeure Event impede or prevent the Concession Company from so complying. The Operating Standards shall be construed flexibly in light of their objectives. The quantitative measurements are based on operating statistics and physical inventories, while the qualitative measurements are based on user perceptions and expectations.

Quantitative measurements will be collected and assessed by tracking a variety of terminals operating and physical statistics.

Qualitative measurements will be collected through surveys of passengers, Cruise Lines and Other Shipping Lines, visual observations, and by reporting procedures established by the Authority and the Concession Company.

The performance measures identified in this report are separated into several categories intended to capture various aspects of the Cruise Port Facility's operating performance. They include trend data on passenger traffic demand and physical terminals and facilities, statistical performance metrics, quality of service measures, condition of the facilities, regulatory compliance, community relations, and others. The Concession Company is expected to collect all relevant data and to demonstrate compliance with all standards identified in this manual.

1.2.2. Organizational Structure of this Document

This document provides the Concession Company with the minimum operating standards for the development and implementation of an Operations and Maintenance Plan for the Cruise Port Facility.

The Operations and Maintenance Plan must include specifications for the operation of all Cruise Port facilities and systems, as well as reporting requirements for the same. The Operations and Maintenance Plan must address each of the following functional components of the Cruise Port Facility, as follows:

- Cruise Port Facilities Operations Plan (Section 2)
- Capital Asset Management Plan (Section 3)
- Environmental Sustainability Plan (Section 4)
- Safety Plan and Safety Management Systems Plan (Section 5)
- Cruise Port Facility Security Program (Section 6)
- Cruise Port Facility Emergency Plan (Section 7)
- Customer Service Plan (Section 8)

This document also includes three appendices as follows:

- Cruise Port Facility Emergency Plan—current version for revision by the Concession Company in accordance with this Schedule 12 (Appendix A)
- Available Guidance and Standards (Appendix B)
- Form of Operational Performance Metrics Report (Appendix C)

Each individual component of the Operations and Maintenance Plan must address the following set of requirements:

- Objective of the plan* - a straightforward statement of the objective of the plan
- Essential staffing* - minimum staffing levels required and identification of key personnel, roles and responsibilities
- Stakeholder coordination* - identification of the affected stakeholders and the Concession Company's coordination plan
- Scope of plan* - identification of the physical facilities or operating procedures that are covered by the plan and the efforts involved in executing the plan

Performance schedule - the frequency/schedule for which various tasks must be executed for the requisite operation or procedure

Reporting requirements - the scope of reporting and auditing that is required to ensure the plan requirements are being met or exceeded, as well as the specifications and methods for reporting.

Accordingly, this document provides an individual section including guidance as to the minimum requirements that must be addressed for each of these functional areas within the Operations and Maintenance Plan that the Concession Company must develop.

1.2.3. Coordination with Other Agencies

At a minimum, the Concession Company must coordinate as appropriate with the following entities:

Puerto Rico Ports Authority (the Authority)

The San Juan Harbor Master

US Coast Guard (USCG)

Customs and Border Protection (CBP)

Puerto Rico Fire Department (PRFD)

Municipality of San Juan

Puerto Rico Department of Natural and Environmental Resources (DNER)

Puerto Rico Solid Waste Authority (SWA)

Cruise Lines and Other Shipping Lines

San Juan Port other lessees and/or concessionaires

Other ancillary supporting third party companies

United States Environmental Protection Agency (USEPA)

United States Department of Agriculture (USDA)

Local law enforcement

US Fish & Wildlife Service (FWS)

National Marine Fisheries Service (NMFS)

United States Army Corps of Engineers (USACE)



1.2.4. Required Reports

This document requires a number of reports to be generated on a regular basis. A Concession Company Annual Report shall summarize the findings of each of the reports with the exception of the Security Assessment Report. The Concession Company Annual Report will summarize year over year patronage numbers, safety incidents, projects or other improvements undertaken or completed throughout the year, and the capital improvement program. The individual sections that comprise part of the Concession Company Annual Report include:

Operational Performance Report (see Section 2.4.9)

Facilities Conditions Assessment (see Section 3.4.6)

Vessel and Passenger Traffic Summary (see Section 3.4.7)

Capital Improvement Program (see Section 3.4.8)

Sustainability Report (see Section 4.3.6)

Safety & Security Assessment Report (see Sections 5.4.10 and 6.4.9)

Emergency Report, if applicable, (see Section 7.4.11)

Level of Service Report (see Section 8.4.5)

1.3. OPERATING STANDARDS SUBJECT TO CRUISE PORT FACILITY PPP AGREEMENT

The interpretation of these Operating Standards and the Concession Company's compliance with these Operating Standards (including any goals contained herein and any provisions where objective performance is described in absolute terms (i.e., "all", "every", "in all instances", "completely", etc.)) shall be subject to the applicable provisions set forth in this Agreement.

1.4. RELATIONSHIP TO DOCUMENTS REQUIRED BY LAW

To the extent the Concession Company's compliance with any provision of these Operating Standards can be demonstrated by reference to any other document required by Law to be maintained by the Concession Company, the Concession Company's compliance with the relevant provisions of these Operating Standards may be demonstrated by cross-referencing any other such documents and providing such documents to the Authority and provided further the Authority does not object to the process of cross-referencing and providing such documents to the Authority.

To the extent that any term or provision of these Operating Standards conflicts with any term or provision otherwise specified in the US Coast Guards Regulations or CBP Regulations, then such term or provision of the Operating Standards shall be construed flexibly in light of their objectives,

and US Coast Guards Regulations or CBP Regulations as applicable, shall govern and shall supersede any such conflicting term or provision of these Operating Standards.

The Concession Company's obligation to comply with the USCG's Regulations extends only to USCG Regulations or CBP Regulations for which the USCG has made compliance mandatory on port facilities operators. To the extent that any USCG's Regulations or CBP Regulations are not mandatory, the Concession Company is not obligated to comply with it (by virtue of such USCG's Regulation), but may do so in its discretion.

To the extent that these Operating Standards refer to any particular law, regulation, ordinance, order, directive, USCG's Regulation or CBP Regulations, the reference is to the then-current version of the same, as it may have been amended, revised, replaced or succeeded from time to time.

1.5. APPLICABLE LAW

The provisions of the Operating Standards and of the Operations and Maintenance Plan established under them shall comply with all applicable laws, rules, regulations, ordinances, orders and directives of any Governmental Authority. For convenience, these are referred to as "Legal Requirements" throughout this document.

1.6. PLAN SUBMISSION AND REVISIONS; COMPLIANCE WITH BEST INDUSTRY PRACTICES

The Operations and Maintenance Plan, each of its component sections and any modifications thereto must comply in all material aspects with best industry practices in effect at Comparable Cruise Ports and shall be developed by the Concession Company in consultation with the Authority. The Operations and Maintenance Plan and each of its component sections shall be revised at such times as described herein; provided however, that (i) the initial Capital Asset Management Plan shall be submitted by the Concession Company for approval to the Authority in accordance with Section 3.4 and (ii) revisions to the Capital Asset Management Plan shall be submitted by the Concession Company annually for approval to the Authority in accordance with Section 3.4.

Contemporaneously with the submission of the Concession Company Annual Report, the Concession Company shall submit any proposed modification to the Operating Standards to the Authority and the Cruise Lines and Other Shipping Lines. Any changes to the Operating Standards and these documents are subject to the requisite approvals (if any) required under this Agreement.

The Concession Company is responsible for becoming familiar with future standards and regulations that may be applicable during the term of the concession, including best practices that apply to the design, operation, upkeep, and maintenance of the Cruise Port Facility. The Operations and Maintenance Plan, each of its component sections and any modifications thereto must comply in all material aspects with best industry practices in effect at Comparable Cruise Ports.

1.7. GENERAL STAFFING REQUIREMENTS

The staff levels required shall be determined by the needs of the Concession Company to fulfill its maintenance, operation, and contractual obligations as well as statutory and regulatory requirements under this Agreement, applicable Law, the Operating Standards and the Operations and Maintenance Plan then in effect. The Concession Company must also comply with the staffing and training requirements set forth in the Legal Requirements.

The Cruise Port Facility is a 24-hours-per-day, 365-days-per-year operation. For this reason, the Concession Company shall recognize the need to have variable work shifts, employees, supervisors, and personnel so as to maintain constant operations consistent with the levels of operations at the Concession Company at such times (with the understanding that the Concession Company may make reasonable judgments as to when increased or decreased staffing levels are appropriate). The Concession Company shall create work shifts that ensure the continual operation of the Cruise Port Facility. Staff requirements shall be based upon the actual and anticipated needs of the Cruise Port Facility.

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2. CRUISE PORT FACILITY OPERATION PLAN

2.1. BACKGROUND

The Cruise Port Facility Operation Plan (CPFOP) shall provide assurance to the Authority that the Concession Company is executing appropriate and timely actions that maintain the safe and continuous operation of the Cruise Port Facility. The CPFOP shall be developed and executed by the Concession Company, and submitted to the Authority for approval.

2.2. REGULATORY COMPLIANCE

The CPFOP shall identify and comply with all Legal Requirements. The Concession Company must ensure that employees and representatives responsible for the operation of the Cruise Port Facility comply with the provisions of the CPFOP including all requirements of applicable laws, regulations and other documents listed in Appendix B to this Schedule 12, which shall be considered to be part of the Legal Requirements.

The Concession Company shall ensure that its employees and representatives conducting maintenance procedures on its behalf comply with the provisions of the CPFOP and all Legal Requirements.

Appendix B contains a list of standards and regulations with which the Concession Company must comply, at a minimum. The list is not intended to include all applicable standards and regulations - it is the responsibility of the Concession Company to identify and comply with all existing standards and regulations as well as future best practices applicable to marine terminals operations.

2.3. EXISTING PLANS

The Concession Company shall utilize any available existing plans and descriptions of Cruise Port Facility systems and facilities, and procedures provided to it in the development of the CPFOP. The Concession Company shall ensure that the FOP complies with the relevant standards within the CPFOP which, in addition to the requirements described herein, shall be considered minimum standards.

2.4. REQUIREMENTS OF THE PLAN

The CPFOP shall identify the plan's objectives, essential staffing, stakeholders, scope, performance schedule, and reporting requirements as described below.

2.4.1. Objectives of the CPFOP

The objective of the CPFOP section of the Operations and Maintenance Plan is to establish policies and procedures to ensure the organized, efficient, continuous, and safe operation of all Cruise Port Facility. The CPFOP shall also define the responsibilities, procedures, minimum requirements, and best practices for the maintenance of a major Cruise Port Facility. The maintenance section of the Operations and Maintenance Plan should also provide guidance regarding the training of essential staff responsible for the maintenance of critical facilities.

2.4.2. Essential Staffing

An organizational chart shall be included in the CPFOP which identifies the essential staff responsible for each of the facilities covered under the CPFOP. The organizational chart should identify the titles, roles, and duties for each of the individuals responsible for the operation and administration of the various facilities.

The organizational chart shall be supplemented by a summary of the levels of staffing that would be provided for each of the facilities operations. The levels of staffing shall be identified for each season of operation, as the requirements should vary throughout the year in accordance with the work effort.

Current contact information shall be included for each essential staff member.

2.4.3. Stakeholders

The CPFOP shall identify all stakeholders (both public and private) that may be affected by the performance of the CPFOP and define any necessary applicable coordination with individual stakeholders. Stakeholders would include, but not be limited to: USCG, CBP, PRFD, local law enforcement, Cruise Lines and Other Shipping Lines tenants, Cruise Port Facility tenants, and other entities that operate at the Cruise Port Facility.

2.4.4. Scope of Plan

The CPFOP shall identify and address the operation and maintenance of all current and planned Cruise Piers and Cruise Pier Buildings. This plan shall address all facilities besides those within the vessel movement area. The facilities that must be addressed within the CPFOP include the following primary Cruise Port Facility functional areas:

Waterside berthing and mooring structures (piers and wharves);

Passenger terminals;

Ground transport areas, including access roadway system, terminal curb front, public transport waiting areas, vehicle parking facilities and all Cruise Port Facility roadways serving the Cruise Port Facility;

Other Cruise Port Facility facilities (storage areas, maintenance buildings, other utilities, law enforcement facilities, and other Cruise Port Facility buildings) necessary to perform operations and maintenance of the Cruise Port Facility.

The CPFOP must address performance standards for operations, including quantitative and qualitative standards for performance and methods for remediation of sub-standard performance. The Concession Company shall, at minimum, include the relevant standards for performance and descriptions of facilities, systems and activities contained in Appendix C (Form of Operational Performance Metrics Report) as requirements under this section.

Given the Cruise Port Facility is operational on a 24-hour basis throughout the entire year, the Concession Company must define the management and operation of all major facilities such that planned and unforeseen interruption of normal operations is minimized to the maximum extent possible.

The CPFOP must also document:

- The inventory of all major facilities and systems, including identification of the type of facility (e.g. office space, hangar, workshops, et cetera);

- The staff (or third-party staff) dedicated to the operation of each major facility and system;

- The staff (or third-party staff) dedicated to the maintenance of each major facility and system;

- The routine maintenance program for all major facilities and systems, thereby ensuring the condition of said facilities will permit the continuous operation of the Cruise Port Facility;

- The schedule for major maintenance as an input to the Capital Asset Management Plan.

2.4.5. Operation of the Facilities

The Concession Company shall provide descriptions of the procedures required for the operation of each functional component of the Cruise Port Facility, including the Cruise Piers, Cruise Pier Buildings and their respective systems. At a minimum, the CPFOP shall include the following for each facility:

- An exhibit of the location and key functional components of the facility;

- A brief narrative description of the facility (distinguishing Port of Call from Homeport berths and passenger terminals) and its components;

- The immediate-, near-, and long-term needs of the facility in terms of its capital requirements;

- The minimal and optimal resources required to operate the facility in terms of staffing and equipment;

- The identification of the essential staff that is responsible for the supervision and organization of the facility;

- The routine maintenance plan for the facility in accordance with manufacturers' preventive maintenance requirements, where applicable (e.g. passenger loading bridges).

For routine operation activities, the Concession Company may, from time to time, temporarily or permanently close roadways, doorways, and other areas at the Cruise Port Facility including within the Cruise Piers; provided that, if time permits, the affected Cruise Lines shall be informed of such closings in order to minimize the disruption of services being provided.

The following procedures and facilities shall also be addressed within the CPFOP. The performance standards included in Appendix C (Form of Operational Performance Metrics Report) shall be included in the development of the CPFOP.

Custodial procedures - define the duties of each type of staff member (or third-party entity), including the frequency of each duty and the areas for which each party is responsible.

Cruise Port Facility concessions - subject to existing contracts as of the Closing, develop, in consultation with the Authority, an appropriate concessions program that includes national and local brands and a diverse selection of products and services. The concessions program shall offer a variety of products and services and quality, and shall incorporate the periodical surveying of passengers for ongoing evaluation of the program. The concessions program shall also provide for an appropriate allocation of pre-security and post-security concessions based on available operational data, facility space and facility constraints.

General terminals operations - define the duties of Concession Company's personnel responsible for operation of the systems supporting the departure hold areas, public circulation areas, baggage claim, and restrooms. The delineation of duties of the Concession Company's staff versus tenants' staff should be clearly defined in tenant leases.

Cruise Piers Utilization - defines the scheduling procedures as described in the Operating Standards.

Ground transportation facility utilization - vehicles parking lots, taxi, bus, and rental car facilities.

General administration - the Concession Company shall provide an organizational chart of the staff responsible for administration and operation of the Cruise Port Facility. Further, the Concession Company should identify which, if any, Cruise Port Facility operations may be performed or handled by third party vendors, including but not limited to: detention, catering, cleaning and other general Cruise Port Facility support services.

2.4.6. Operation of Systems

The Concession Company shall provide descriptions of the various systems required for the operation of the Cruise Port Facility, including the Cruise Piers and the Cruise Pier Buildings. At a minimum, the CPFOP shall include a description of the following systems for each facility, as appropriate:

Mechanical, electrical and plumbing;

Communications and information technology;

Life safety systems (e.g. emergency communications, fire protection, security, backup systems);

Spillage prevention and mitigation systems;

Civil engineering systems, including pavement drainage, traffic signals, pavement maintenance standards;

Architectural systems (e.g. signage and way finding, structural);

Public and private utility corridors, including sewer and water systems;

Landscape systems (e.g. drainage, landscaping, and erosion control). The Concession Company shall require erosion control measures that will be used during construction to minimize sediment run-off from the site.

The maintenance plan for each of the systems shall also be addressed by this plan. Table 2-1 lists the basic functional areas that the maintenance plan must address. The maintenance plan shall address scheduled preventive maintenance.

Table 2-1
FACILITIES MAINTENANCE PLAN FUNCTIONAL AREAS

Functional Area	Major Facilities and Systems
Cruise Piers, including waterside berthing and mooring structures (piers and wharves)	Above water structures of piers and wharves including fendering, mooring dolphins and bollards
	Piers and wharves apron pavement and service lanes pavement, drainage and utilities
	Below water structures of piers and wharves
	Shore-to-ship power systems where available
	Water supply systems
	Waste collection systems
Cruise Pier Buildings, including passenger terminals	Architectural elements and systems
	Signage
	Flooring
	Roof and drainage / water collection systems
	Landscaping and trash removal
	Environmental systems
	Structural systems

Functional Area	Major Facilities and Systems
	Mechanical systems, including HVAC
	Electrical systems, including controls and other automated systems, emergency lighting and related electrical systems
	Plumbing systems
	Life safety, fire protection and other emergency systems
	Passenger conveyance systems (including transport carts, escalators and elevators)
	Passenger loading bridges
	Utility systems
	Communications systems
	Security systems
	Waste collection systems
Ground transport area within the Cruise Port Facility	Ground access elements and roadways
	Utility systems
	Stormwater sewer systems
	Cruise Port Facility pavement, roads, and parking lots
	Landscaping and trash removal
	Commercial vehicle staging areas
	Signage
	Communications systems
	Bridges and structures
	Roadway and parking lots lighting
	Public and employee parking lots, public and employee transportation waiting areas



Functional Area	Major Facilities and Systems
Other Cruise Port Facility facilities that are part of the Cruise Port Facility	Ground access elements
	Access gates
	Pavement
	Landscaping
	Architectural elements and systems
	Structural systems
	Mechanical systems
	Electrical systems, including controls and other automated systems
	Plumbing systems
	Life safety, fire protection and other emergency systems
	Passenger conveyance systems (including transport carts, escalators, and elevators)
	Utility systems
	Trash compactors
	Communications systems
	Security systems

2.4.7. Additional Detail on Critical Systems

The continuous operation of the Cruise Port Facility requires that certain critical systems must have detailed plans for their operational integrity. Chief among these systems are the life safety systems. Additional detail regarding the life safety systems standards is provided in this section.

With regard to life safety and security systems, the CPFOP must address at minimum the following individual components:

Emergency communications, including the emergency intercom, telephones, radios, and other mobile communication devices;

Fire protection and suppression, including: sprinkler systems, fire extinguishers, heat, smoke, and carbon dioxide detectors and fire alarms;

First response medical points, including: first aid supplies, personnel and automated external defibrillators;

Security systems (also addressed within the Security Plan section of the Operations and Maintenance Plan), including: Cruise Port Facility access control and fencing; passenger security screening; video surveillance, emergency personnel identification, and random security procedures.

For each of the above, the CPFOP shall indicate: the operational procedures and policies that would be routinely executed to ensure that these systems are capable of operating without interruption, tested regularly for functionality and proper performance; and upgraded or improved as necessary.

With regard to the energy distribution systems, the CPFOP must address the procedures and policies employed by the Concession Company to ensure that the energy distribution systems remain fully operational at all times.

The Plan must also address the Concession Company's plan for enhancing reliability, providing redundancy in depth, arranging for backup equipment, staff, power, and others and any other action required in order to safeguard continuous operations. The CPFOP must address the following individual components:

Electrical supply, including emergency lighting, backup generators.

Mechanical systems, including: (i) heating, ventilation, and air conditioning (HVAC) systems; and (ii) plumbing systems.

Computer systems necessary for routine operations, including appropriate redundancy, data back-up procedures, and power supply backups.

As with the life safety and systems, these systems should be routinely tested for functionality and proper performance, and upgraded or improved as necessary.

2.4.8. Performance Schedule

From time to time the CPFOP section of the Operations and Maintenance Plan shall be revised by the Concession Company to reflect a good faith effort to update the FOP as appropriate to maintain an accurate assessment of the current Cruise Port Facility's systems and facilities.

2.4.9. Reporting Requirements

The Concession Company shall report on the performance of various facilities on an annual basis in the form of an Operational Performance Report (OPR). The Concession Company shall report on the quantifiable performance measures contained in the Form of Operational Performance Metrics Report, attached as Appendix C.

Cruise Piers and Cruise Pier Buildings shall be evaluated in terms of:

Area per passenger for certain functions (embarkation and disembarkation areas, security queue);

Passenger wait times (security screening, baggage retrieval);

Passengers within the peak hour in the average day of the peak month (for Homeport facilities);

Target level of service and actual level of service.

The World Association for Waterborne Transport Infrastructure (PIANC) defines levels of service for marine cruise terminals facilities in their *Guidelines for Cruise Terminals Report n° 152 – 2016, MarCom WG 152* dated 8 July 2016. The levels of service for Homeports and Port of Calls are defined for:

Embarkation at Home Port terminals.

Disembarkation at Home Port terminals.

Embarkation & Disembarkation at Port of Call terminals.

For those areas where the level of service can be quantified, the Concession Company shall provide a level of service consistent with PIANC specified level of service or better. Some of the facilities or measures that can be quantified (in relation to the number of passengers per call) include: x-ray luggage scanners; security lanes amount and surface; number of security and auxiliary guards; ticketing and check-in; boarding corridors; passport control; visibility of signage; baggage lay down areas.

Ground Transportation Areas (GTA) will be evaluated in terms of:

Size of waiting areas;

Space required per transportation mode (distinguishing Home Port and Port of Call terminals);

Width of canopies.

The OPR shall also provide:

Comparison of past performance to current performance;

Comparison of current performance to minimum standards;

Recommendations on how to resolve deficiencies or service level concerns;

Documentation of operational or procedural changes made to improve performance of various facilities.

Recommendations as to those facilities that require capital improvements to expand, modernize or otherwise reconfigure the facility for improved efficiency.

The OPR will be used in concert with the Facilities Conditions Assessment (FCA) as described in Section 4 to develop the Capital Improvement Program. An outline for the OPR is provided in Appendix C.

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3. CAPITAL ASSET MANAGEMENT PLAN

3.1. BACKGROUND

The Capital Asset Management Plan (CAMP) section of the Operations and Maintenance Plan shall provide assurance to the Authority and the Cruise Lines and Other Shipping Lines that the Concession Company is planning and implementing appropriate and timely actions that demonstrate fiscal responsibility and maintain and preserve the Cruise Port Facility's assets while accommodating growth in vessel calls and passengers demand. The CAMP shall be developed and executed by the Concession Company and submitted to the Authority for approval.

3.2. REGULATORY COMPLIANCE

The CAMP shall comply with all Legal Requirements. The Concession Company must ensure that employees and representatives responsible for the operation of the Cruise Port Facility comply with the provisions of the CAMP and all Legal Requirements.

Appendix B contains a list of standards and regulations with which the Concession Company shall comply, at a minimum. The list is not intended to include all applicable standards and regulations - it is the responsibility of the Concession Company to identify and comply with all existing standards and regulations as well as future best practices applicable to marine terminals operations.

3.3. EXISTING PLANS

The Concession Company shall utilize any available existing plans and descriptions of the Cruise Port facilities, systems, and procedures provided to it in the development of the CAMP. The Concession Company must ensure that the CAMP complies with the relevant standards within the CPFEP which, in addition to the requirements described herein, shall be considered minimum standards.

3.4. REQUIREMENTS OF THE PLAN

The CAMP shall identify the plan's objectives, essential staffing, stakeholders, scope, performance schedule, and reporting requirements as described below.

3.4.1. Objectives of CAMP

The objective of the CAMP section of the Operations and Maintenance Plan is to preserve and provide for continuous improvement of all Cruise Port Facility's systems and facilities by evaluating their conditions and planning their maintenance, rehabilitation, replacement, and/or modernization. The CAMP shall also provide guidance as to the priority of capital improvement projects and maintenance, with the most critical assets receiving the greatest attention.

3.4.2. Essential Staffing

An organizational chart shall be included in the CAMP which identifies the essential staff responsible for each of the facilities covered under the CAMP. The organizational chart should

identify the titles, roles, and duties for each of the individuals responsible for the operation and administration of the various marine facilities.

The organizational chart shall be supplemented by a summary of the levels of staffing that would be provided for each of the facilities operation. The levels of staffing should be identified for each season of operation, as the requirements should vary throughout the year in accordance with the work effort.

Current contact information shall be included for each essential staff member.

3.4.3. Stakeholders

The CAMP shall identify all stakeholders (both public and private) that may be affected by the performance of the CAMP and define any necessary applicable coordination with individual stakeholders. Stakeholders would include, but not be limited to: USCG, CBP, Cruise Lines and Other Shipping Lines tenants, tenants on the Cruise Piers or within the Cruise Pier Buildings, and other entities that operate on the Cruise Port Facility.

3.4.4. Scope of Plan

The CAMP shall identify and address all major capital assets on the Cruise Port Facility. The Cruise Port Facility's assets shall be described for the following primary functional areas:

Waterside berthing and mooring structures (piers and wharves);

Passenger terminals;

Ground transport areas;

Other Cruise Port Facility facilities.

The CAMP shall outline asset management actions that are based on regularly scheduled conditions assessments, self-inspection routines, preventative and coordinated maintenance, capital improvements, expansion, modernization, and rehabilitation projects. The CAMP shall define the process for conducting regular condition assessments, reporting of results, and accounting for emerging trends at the Cruise Port Facility that could affect asset management.

3.4.5. Performance Schedule

The initial CAMP shall be submitted by the Concession Company for approval to the Authority in accordance with Section 3.4.6. Revisions to the CAMP shall be submitted by the Concession Company annually for approval to the Authority.

3.4.6. Reporting Requirements

The CAMP shall specify the following reports to be prepared on an annual basis as described below in greater detail: Facilities Conditions Assessment (FCA) and Capital Improvement

Program (CIP). In addition, as described below, the CAMP shall require the preparation of a Vessel and Passenger Traffic Summary (VPTS) on a monthly basis.

Facilities Conditions Assessment (FCA). The CAMP should outline the process for engaging a licensed professional engineering firm to prepare an annual FCA. All major facilities and systems shall be evaluated in the FCA. The FCA shall include, but not be limited to the following:

Review of the prior year's FCA findings;

Assessment of all Cruise Port Facility structure and buildings relative to current codes and regulations, including those leased to third parties, from a safety and operational perspective: all health and safety issues must be identified for resolution by the Concession Company as soon as possible;

Assessment of all major equipment assets;

Assessment of building mechanical, electrical, communication, and plumbing systems: this work should be carried out by a licensed engineering firm that specializes in building systems (see section 3.4.9 for further information regarding the details regarding the retention of the licensed engineering firm);

Field inspection of critical utilities, including storm sewer, sanitary sewer, electrical, water, and communication;

Field inspection of vehicle service and land access roads pavements;

Recommendations to the Concession Company in terms of capital improvements that should be carried out immediately due to safety concerns, including, where appropriate, a reference to the applicable regulation regarding such improvements;

Recommendations to the Concession Company in terms of near-, intermediate- and long-term capital improvements.

The FCA shall be governed by a manual to be developed by the Concession Company. The manual shall specify: the scope of the assessment, safety requirements for execution of the assessment, and the reporting standards for the deliverable. The findings of the FCA shall be communicated to the Authority.

The FCA shall classify the condition of the facilities assessed using the following categories:

Excellent - no operational deficiencies, minimum standards exceeded;

Good - minor operational deficiencies, minimum standards exceeded or met;

Fair - minor operational deficiencies, most minimum standards met, some capital improvements or corrective actions should be considered, intermediate-term improvements should be identified;

Poor - significant operational deficiencies, facility is failing to meet minimum standards, capital improvements or corrective actions must be taken in near-term;

Critical - major operational deficiencies, urgent corrective action must be undertaken, and/ or safety issues are present. This category may also include improvements mandated by new laws or regulations.

The Concession Company shall use Reasonable Efforts to maintain each facility or system in "Good" condition or better in the appropriate rating system used for inspection of that facility or system.

At a minimum, the inspection component of the FCA shall include the following categories of facilities and their respective major systems and elements as outlined in Table 4-1:

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Table 4-1
FUNCTIONAL AREAS FOR INSPECTION

Functional Area	Major Systems and Elements
Cruise Piers, including waterside berthing and mooring structures (piers and wharves)	Above water structures of piers and wharves including fendering, mooring dolphins & bollards, drainage
	Piers and wharves apron pavement and service lanes pavement, drainage and utilities
	Below water structures of piers and wharves
	Shore-to-ship power systems where available
	Water supply systems for vessels
	Waste collection systems
Cruise Pier Buildings, including passenger terminals	Architectural elements and systems
	Signage
	Flooring
	Roof and drainage / water collection systems
	Landscaping and trash removal
	Environmental systems
	Structural systems
	Mechanical systems
	Electrical systems, including controls and other automated systems, emergency lighting and related electrical systems
	Plumbing systems
	Life safety systems: fire protection and other emergency systems
	Passenger conveyance systems
	Utility systems
	Communications systems
Ground transport area within the Cruise Port Facility	Security systems
	Waste collection systems
	Ground access elements and roadways
	Utility systems
	Stormwater sewer systems

Functional Area	Major Systems and Elements
	Cruise Port Facility pavement, roads, and parking lots
	Landscaping and trash removal
	Commercial vehicle staging areas
	Signage
	Communications systems
	Bridges and structures
	Roadway and parking lots facility lighting
	Public and employee parking lots, public and employee transportation waiting areas
Other Cruise Port Facility facilities that are part of the Cruise Port Facility	Ground access elements
	Access gates
	Pavement
	Landscaping
	Architectural elements and systems
	Structural systems
	Mechanical systems
	Electrical systems, including controls and other automated systems
	Plumbing systems
	Life safety, fire protection and other emergency systems
	Passenger conveyance systems (including transport carts, escalators, and elevators)
	Utility systems
	Trash compactors
	Communications systems
	Security systems



3.4.7. Vessel and Passenger Traffic Summary (VPTS)

The Concession Company shall supply the engineering firm engaged to conduct the FCA with a summary of the current year's capital improvements, as well as the VPTS to inform the firm of emerging trends that could affect capital expenditures. The VPTS shall provide monthly details regarding passenger embarkation, passenger disembarkation, vessel calls (including tonnage) and call size. The VPTS shall make the distinction between Home Port and Port of Call volumes. The VPTS shall provide year-over-year and month-over-month comparisons for each of the data accounted therein.

3.4.8. Capital Improvement Program (CIP)

The FCA shall form the basis of the CIP. The CIP shall outline the near-, intermediate-, and long-term projects planned to address the findings of the FCA and any other planning studies (e.g. master plan) conducted by the Concession Company. The OP should prioritize the projects, identify projects that are eligible for Government Grants-in-Aid, and identify the environmental requirements necessary for project implementation. The CIP shall be submitted to the Authority on an annual basis for their approval.

Article 4 of this Agreement contain procedures and requirements for designing and constructing the Cruise Piers Improvement Projects, and such procedures and requirements shall form part of the CAMP.

For all facilities assessed within the FCA as fair, poor, or critical, a corrective action plan must be identified within the CIP. The improvements recommended as part of the action plan shall be prioritized, using the following categories:

Critical - capital improvements shall be executed immediately or as soon as practical;

High - capital improvements shall be executed in the near-term;

Low - capital improvements may be warranted in the near-term to realize operational efficiencies, but may be elective to some extent.

The CIP shall provide a brief description of the planned capital improvements for the near-term (0-5 years), including the project justification. It shall also include a probable cost estimate for each of the planned capital improvements for all projects for the near- and intermediate-terms (0-10 years); including identification of probable funding sources, including those deemed eligible for Government Grants-in-Aid. For the long-term, potential capital improvement projects (as they are identified) shall be listed along with order of magnitude cost estimates and ranked in terms of their priority.

The CIP shall include the following:

Executive summary;

Introduction and background;

Summary of the methodology used to prioritize the capital improvements and identification of the studies or work done to identify the capital improvements;

Recommendations for planned capital improvements for the next five years with the greatest detail regarding projects to be completed in the first year of the CIP.

3.4.9. Retention of Engineering Firm for the FCA

The Concession Company must retain an independent and Licensed Professional Consulting Engineering Firm (Engineering Firm), not associated, owned or partnered with the Concession Company, to perform the services associated with the conduct of the FCA. The Concession Company shall engage firms that have experience with the kinds of structures, systems, and conditions consistent with those of the Cruise Port Facility. The Engineering Firm retained by the Concession Company shall be registered and licensed with the Commonwealth of Puerto Rico, for Professional Engineering, Structural Engineering, and/or Architecture, appropriate for the Cruise Port Facility.

The Concession Company must submit the qualifications and experience of the Engineering Firm tasked to the Cruise Port Facility on an annual basis to the Authority. The Authority will retain the right to dismiss firms that do not meet the necessary requirements.

The same Engineering Firm can be retained for a maximum four-year duration at which time the Concession Company must conduct a competitive based selection process to identify the Engineering Firm to be retained for the following term. The purpose of these requirements is to develop a fair, impartial, independent, and objective assessment of the condition of the Cruise Port Facility.

The Concession Company and the Engineering Firm collectively shall be responsible for equipment, staffing, traffic control, outside testing services and supervision for all inspections associated with the conduct of the FCA. All inspection procedures and frequencies shall be in accordance with the policies of the Concession Company and coordinated with stakeholders so as to result in the least operational disruption as reasonably possible. The Concession Company and the Engineering Firm shall consistently inspect and regularly assess the current condition of all Cruise Port Facility structures and systems to ensure the continuous and uninterrupted operation of the Cruise Port Facility.

3.4.10. Additional Requirement of the Capital Asset Management Plan

Achieving performance quality at the Cruise Port Facility depends directly on the efficiency and effectiveness of the maintenance program. This Schedule describes in general terms the Concession Company's Asset Management Plan with respect to the Cruise Port Facility.

The objectives of the Concession Company's Asset Management Plan (the "Plan") are to:

- Preserve the warranty on all new equipment while ensuring that its 'as-installed' configuration is within specifications and consistent with the expected operating conditions.

- Perform predictive and preventive maintenance on all equipment and buildings in accordance with the recommendations of the manufacturer, Good Industry Practice and the other requirements of this agreement.
- Perform corrective maintenance in such a manner that the equipment operation is not impacted, and the performance standards and the other requirements of this agreement are not threatened.
- Generally, perform all maintenance, repair and replacement activities in accordance with Good Industry Practice and the other requirements of this agreement.

Proactive Maintenance

The Concession Company will concentrate on planning proactive work. The objective is to stay involved with the equipment to prevent decline or loss of performance. Planning and scheduling a sufficient amount of proactive work can reduce the number of emergency problems and breakdowns.

The Concession Company will use a written work order for all jobs except those of an emergency nature. The work order communicates information through all steps in the maintenance process where a detailed account of the repair work including all labor and cost items is required. Completed work orders provide a record of work done each day and are a continuous source of feedback to maintenance personnel who can use the information to develop job standards, improve productivity and quality control, and provide increased equipment reliability. The work order process establishes accountability at all levels in the maintenance unit and serves to document the equipment maintenance history.

The work order system uses a maintenance priority system. This system allows maintenance personnel to properly plan their work. The work order system is the basis for documenting equipment repairs. The equipment repair records include the equipment description and the manufacturer's nameplate information. Included is a chronological repair history showing parts, labor, tool and portable equipment costs, materials, time to repair, run time to repair, and other information required for management repair/replace decisions and cost accounting.

A spare parts inventory will be kept in accordance with Good Industry Practice. Extensive use is made of fault, cause, and action codes to record the initial observation, results of the fault investigation, and the corrective repair action taken. Use of these codes allows sorting of equipment or component problems by similar faults to pinpoint failure patterns. Machine run time is recorded if available. Written descriptions of the initial request, results of the investigation, and corrective action taken are recorded in detail. Work order review by supervisors before closure is encouraged.

The equipment repair histories are used in conjunction with an equipment renewal and replacement program. The repair history can be compared against the life cycle cost of a particular piece of equipment in order to determine when replacement is more cost effective than repair.

Preventive Maintenance

The Concession Company's preventive maintenance program provides for the periodic inspection and servicing of process equipment and is designed to prevent the catastrophic and simultaneous breakdown of machinery.

Protecting warranties on existing and new equipment will be a priority for the Concession Company. Warranty protection is a function of following the manufacturer's recommended maintenance. To ensure this, the Concession Company shall process manufacturer's warranty information as part of its ongoing preventive maintenance program. The preventive maintenance program keeps records, ensuring proper documentation for all warranty items.

Predictive Maintenance

Predictive maintenance provides a means by which the Company can attempt to:

- Identify potential failures of major pieces of equipment prior to occurrence
- Maximize equipment life
- Plan and schedule major equipment overhauls
- Increase mechanical and electrical reliability

The Concession Company's predictive maintenance program allows for the establishment of the baseline mechanical condition. To do this, a maintenance specialist prepares a status sheet for each major piece of equipment. This is a composite listing of all of the various inspections performed on a particular piece of equipment. This predictive maintenance program will help the Concession Company to maximize the long-term reliability of the Cruise Port Facility.

The Concession Company should undertake an annual review of the spare parts, equipment and systems inventory to consider feasible and compliant Best Available Technology options. The review should assess life cycle performance against cost and will form the basis of any proposed revision to the inventory.

Building and Grounds Maintenance

Good housekeeping is an integral part of the Concession Company's overall maintenance approach. As such, the Concession Company will produce, implement and maintain a basic environmental management system (EMS) containing a schedule of tasks and responsibilities to ensure that the operation and maintenance of the Project Facilities is compliant with regulatory requirements. All facilities' equipment and structures will be kept clean and orderly. Equipment oil and grease should be wiped clean after any repair work is completed. Buildings will be kept clean and neat in accordance with Good Industry Practice. A grounds maintenance program will be implemented, and facilities beautification will be given a priority.

Good housekeeping is very important for employee morale and safety. Employees are more efficient, productive and safe in an atmosphere that stresses good housekeeping and appearance.

Operations & Maintenance Reports

In order to provide the Authority with documentation that the Cruise Port Facility is being operated and maintained in accordance with this Agreement, the Concession Company will prepare and submit, for the Authority's review, all reports required under this Agreement. The reports will be prepared in an easy to read format so that the Authority may easily identify information of interest.

4. ENVIRONMENTAL SUSTAINABILITY PLAN

4.1. REGULATORY COMPLIANCE

The Environmental Sustainability Plan (ESP) shall identify all Legal Requirements relevant to sustainability planning. Further, the Concession Company will adopt the standards set forth by the United States Green Building Council (USGBC); Leadership in Energy and Environmental Design (LEED) as guiding criteria for achieving sustainable design in the development and remodeling of marine facilities. The Concession Company must ensure that employees and representatives responsible for the sustainability planning comply with the provisions of the FOP and all Legal Requirements.

Appendix B contains a list of standards and regulations with which the Concession Company shall comply, at a minimum. The list is not intended to include all applicable standards and regulations - it is the responsibility of the Concession Company to identify and comply with all existing standards and regulations as well as future best practices applicable to marine terminals operations.

4.2. EXISTING PLANS

The Concession Company shall utilize any available existing plans and descriptions of environmental sustainability standards in the development of the ESP section of the Operations and Maintenance Plan.

4.3. REQUIREMENTS OF THE PLAN

The ESP shall identify the plan's objectives, essential staffing, stakeholders, scope, performance timeframe, and reporting requirements as described below.

4.3.1. Objectives of ESP

The objective of the ESP section of the Operations and Maintenance Plan is to define responsibilities, procedures, and minimum requirements for the staff dedicated to sustainability, thereby reducing the Cruise Port Facility's environmental footprint. The ESP shall also provide guidance regarding staff training targeted at sustainability.

4.3.2. Essential Staffing

An organizational chart shall be included in the ESP which identifies the essential staff responsible for each of the facilities covered under the ESP. The organizational chart shall identify the titles, roles, and duties for each of the individuals responsible for the operation and administration of the various marine facilities.

The organizational chart shall be supplemented by a summary of the levels of staffing that would be provided for each of the facilities operations. The levels of staffing shall be identified for each season of operation, as the requirements could vary throughout the year in accordance with the work effort and seasonality of demand.

Current contact information shall be included for each essential staff member.

4.3.3. Stakeholders

The ESP shall identify all stakeholders (both public and private) that may be affected by the performance of the ESP and define any necessary applicable coordination with individual stakeholders. Stakeholders in the ESP, may include, but not be limited to the following:

Cruise Lines and Other Shipping Lines;
Tour Operators;
Other Cruise Port Facility tenants and third-party landlords;
Passengers;
Vendors;
Federal/ State/ Regional/ Local government representatives;
USCG, CPB, & U.S. Department of Transportation (USDOT);
United States Environmental Protection Agency (USEPA);
Puerto Rico Department of Natural and Environmental Resources;
United States Fish and Wildlife Service (FWS);
National Marine Fisheries Service ("NMFS");
Puerto Rico Fire Department;
San Juan Bay Estuary Program;
Puerto Rico Ports Authority;
Non-governmental/ public interest organizations;
Local businesses and community leaders.

4.3.4. Scope of Plan

The Cruise Port Facility's development and operations can become more sustainable by incorporating the following considerations into everyday practices: economic sustainability, operational efficiency, natural resource conservation, and social improvement.

Consistent with those considerations, the ESP will cover the following topics:

Goal definition;

Sustainability assessment;

Program evaluation;

Development / redevelopment;

Staff training;

Cruise Port Facility recycling plan.

Goal definition: This section of the ESP shall identify the Concession Company's sustainability policies, including goals and objectives associated with the ESP. Goals and objectives for the landside and airside operations may include (but are not limited to): reducing emissions and noise exposure, water conservation, sustainable land use planning, disposal of hazardous materials, minimizing vehicular traffic, sustainable construction practices, maximizing renewable energy, sustainable waste disposal, and encouraging public participation. The goals definition should be informed by a baseline assessment of the existing condition. Potential goals include:

“Net zero” waste management;

Facility and building related goals;

Use of green building materials and reuse and recycling of building materials;

Prevention of oil spillage;

Alternative energy and fuel sources;

Ground vehicles, and equipment related goals.

Sustainability assessment: This section of the ESP shall document current Cruise Port Facility operations, sustainability practices, and environmental practices related to waste, recycling, energy use and conservation, water recycling, and materials procurement. The assessment must document all Concession Company and tenant practices relevant to sustainability planning, including (but not limited to) vessel movements, ground vehicle movements, and maintenance activities.

Program evaluation: This section of the ESP shall define requirements for reviewing and evaluating all new Cruise Port Facility programs and projects. These requirements will ensure all four Sustainability Elements (EONS) are addressed in a balanced, holistic and measurable approach.

Development/redevelopment: The ESP shall identify criteria for reviewing tenant development/redevelopment projects and methods for providing incentives to encourage sustainable design features. This section will also include standards for all new leases, agreements, and contracts that support the Cruise Port Facility's sustainability goals.

Staff training: This section of the ESP shall identify the training program for the employees responsible for sustainability management. The goal of the training is to establish a work

environment that supports innovation, productivity, pride, and a personal commitment to sustainability.

Recycling Plan: This section of the ESP shall provide the details of a recycling plan for waste disposal for the Cruise Port Facility. The plan should comply with the requirements of Act 70 of September 18, 1999, as amended, titled the Act for the Reduction of Solid Wastes in Puerto Rico and the Department of Natural and Environmental Resources' and the Solid Waste Authority's Regulation for the Reduction, Reuse and Recycling of Solid Wastes in Puerto Rico, Regulation 6825, as amended. At a minimum, the plan should provide for recycling of paper, plastic, glass, corrugated cardboard, and aluminum. The plan should include the placement of recycle bins for the collection of waste throughout the passenger terminal and transit areas. The plan may also provide for the recycling of construction waste (e.g. concrete, wood), wooden pallets, tires, and electronics. The recycling plan should also provide the goals of the program, and a system for the annual monitoring of its performance, including the quantification of the generation of waste. Finally, the plan may also identify goals with regard to the procurement of recycled-content products.

4.3.5. Performance Schedule

From time to time the ESP shall be revised by the Concession Company to reflect a good faith effort to make improvements in areas where sustainability goals have not been met to the standards of the Concession Company, as identified in the annual reporting described in the following section.

4.3.6. Reporting Requirements

Reporting on sustainability performance allows the Concession Company to measure and therefore manage terminals operations performance. Reporting on environmental, economic, and social sustainability performance annually demonstrates a commitment to accountability and ongoing improvement.

The Concession Company shall prepare a Sustainability Report as part of the overall Operations and Maintenance Report. This report shall document the Cruise Port Facility's environmental goals and achievements, and measure progress against environmental goals and historical performance.

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5. SAFETY AND SAFETY MANAGEMENT SYSTEMS PLAN

5.1. BACKGROUND

The Safety Plan section of the Operations and Maintenance Plan shall provide the Authority the assurance that the Concession Company will conduct all operations in a safe manner, protecting both employees and the general public. The Safety Plan should be developed and executed by the Concession Company and submitted to the Authority for its approval.

5.2. REGULATORY COMPLIANCE

The Safety Plan shall identify and comply with all Legal Requirements. The Concession Company must ensure that employees and representatives responsible for the operation of the Cruise Port Facility comply with the provisions of the Safety Plan and all Legal Requirements.

Appendix B contains a list of standards and regulations with which the Concession Company shall comply, at a minimum. The list is not intended to include all applicable standards and regulations - it is the responsibility of the Concession Company to identify and comply with all existing standards and regulations as well as future best practices applicable to safety within the Cruise Port Facility.

5.3. EXISTING PLANS

The Concession Company shall utilize any available existing plans and descriptions of the Cruise Port Facility buildings, systems, and procedures provided to it in the development of the Safety Plan. The Concession Company must ensure that the Safety Plan complies with the relevant standards within the CPFEP which, in addition to the requirements described herein, should be considered the minimum standard.

5.4. REQUIREMENTS OF THE PLAN

The Safety Plan shall identify the plan's objectives, essential staffing, stakeholders, scope, performance schedule, and reporting requirements as described below.

5.4.1. Objectives of the Safety Plan

The objective of the Safety Plan is to ensure that the Concession Company's practices prevent unsafe conditions for the general public and all port employees and to provide the framework for identifying and mitigating safety issues as they arise.

The Safety Plan shall be modified or revised by the Concession Company as appropriate to address specific issues, needs, or concerns related to the Cruise Port Facility that develop over time and as required by relevant authorities with jurisdiction.

5.4.2. Essential Staffing

An organizational chart shall be included in the Safety Plan which identifies the essential staff responsible for various components of its execution. The organizational chart shall identify the

titles, roles, and duties for each of the individuals responsible for the operation and administration of the Cruise Port Facility.

The organizational chart shall be supplemented by a summary of the levels of staffing that would be provided for each component of the Safety Plan. Current contact information shall be included for each essential staff member. In addition, the Safety Plan shall clearly designate the non-Concession Company personnel that will be coordinated with in execution of the plan.

5.4.3. Stakeholders

The Safety Plan shall identify all stakeholders (both public and private) that may be affected by the performance of the Safety Plan and define any necessary applicable coordination with individual stakeholders. Stakeholders would include, but not be limited to: the Concession Company's employees, USCG, CBP, PRFD, Cruise Lines and Other Shipping Lines, tenants of the Cruise Port Facility, general public, and other entities that operate on the Cruise Port Facility.

5.4.4. Scope of plan

At a minimum, the Safety Plan shall provide:

- Guidance as to the necessary safety training that various Cruise Port Facility's employees shall receive, including first aid training;

- A plan for implementation of a Safety Management System (SMS) addressing the safety of both the general public and Cruise Port Facility employees;

- Best practices for Cruise Port Facility employees to increase awareness of potential safety issues before they arise;

- Development and implementation of appropriate Letters of Agreement or other means of establishing appropriate safety practices and policies;

- A policy manual for Cruise Port Facility construction zones and other potentially hazardous areas, including guidance as to the use of information signage, physical barriers, traffic control infrastructure and other equipment to maintain a safe environment for the general public;

- A manual for self-inspection of facilities for safety issues in accordance with the applicable USCG Regulations.

The Safety Plan shall also provide a graphical depiction of the areas that will be subject to execution of the plan.

5.4.5. Staff Training and Education

The Concession Company shall conduct training to establish a safety culture and educate employees regarding safety issues. The training shall address the requirements and workplace standards of the OSHA.

The Safety Plan shall include the following at a minimum:

- Training that incorporates findings from the execution of the SMS;

- General training that covers OSHA standards and overall safety awareness for all Cruise Port Facility employees, including executives;

- Training specific to the responsibilities of the employee, including identification of equipment required to execute specific tasks safely, safe driving of vehicles, and safe operation of equipment;

- Provision of safety training for new employees and the provision of recurrent safety training for all employees along with a typical schedule for such training;

- Provision of a lessons learned/case histories component; and

- Establishment of procedures aimed at ensuring employees understand the safety policies and adhere to safe work practices.

The training shall also provide background regarding anticipated work activities and hazards, and the protocol that shall be followed should an incident occur.

5.4.6. Safety Management System

The Concession Company shall prepare a comprehensive SMS in accordance with the applicable USCG Regulations as the centerpiece of the Safety Plan. An SMS is critical to detect and correct safety problems before they happen.

In accordance the applicable USCG Regulations, the SMS shall be defined in the Safety Plan and include the following elements: (i) safety policy and objectives; (ii) safety risk management; (iii) safety assurance; and (iv) safety promotion. A brief synopsis of each is provided below.

Safety policy and objectives. The SMS shall include a formally expressed statement of the Concession Company's safety policy. It shall indicate the Concession Company management's commitment to the implementation of the SMS, continuous safety improvement, and the provision of the necessary resources. Further, the safety policy shall provide encouragement of employees to report safety issues without fear of reprisal. The safety policy and objectives shall be prepared in accordance with the applicable USCG Regulations.

Safety risk management. The safety risk management (SRM) process identifies the hazards, determines potential risks, and designs appropriate risk mitigation strategies. The Safety Plan shall define the Concession Company's plan to execute the SMS through the implementation of SRM principles. The SRM should be conducted in five phases: (i) describe the system being addressed; (ii) identify potential hazards; (iii) determine the risk; (iv) assess and analyze the risk; and (v) treat the risk through mitigation and tracking. The SRM shall be prepared in accordance with the applicable USCG Regulations.

Safety assurance. Safety assurance includes self-auditing, external auditing, and safety oversight. Safety auditing provides a system for assessment of the Concession Company's ability to meet its safety objectives. The safety audit shall be conducted to provide feedback to essential staff and managers regarding the safety of various operations conducted on the Cruise Port Facility. Further information regarding safety assurance can be found in the applicable USCG Regulations.

Safety promotion. Safety promotion includes safety training, safety communication, safety competency and continuous improvement. The Concession Company shall define, as part of its safety promotion initiatives, workplace best practices to increase awareness of safety issues. Further information regarding safety assurance can be found in the applicable USCG Regulations.

5.4.7. Self-Inspection Program

The Concession Company shall describe the self-inspection program as part of the Safety Plan in accordance with the applicable USCG Regulations. The self-inspection program include at minimum:

Regularly – at minimum once per month – scheduled inspection of physical facilities which must be conducted at the Cruise Port Facility. If the Cruise Port Facility serves vessels after dark, there should also be regular nighttime inspection of lighting;

Continuous surveillance inspection of certain activities, such as vessel docking operations, passengers' embarkation and disembarkation, bunkering operations, construction;

Periodic condition inspection program for such things as surveying above water structures and underwater structure; and

Special condition inspections during unusual conditions or situations, such as changing weather or days with an unusually high number of vessels docking operations.

Each of these types of inspections and their scope is described in detail within the applicable USCG Regulations. The self-inspection program also shall indicate the procedure for reporting and correcting any deficiencies.

The Authority sets the minimum periodicity of self-inspections to a minimum of once per calendar month; the Concession Company can, however, increase such periodicity at its discretion but in no instance reduce it.

5.4.8. Additional Safety Plan Requirements

The Safety Plan shall address the following:

Personal safety procedures for all major tasks for which Concession Company's employees are responsible, including identification of the protective equipment (e.g. hard hats, reflective vest, hearing protection, respiratory protection, and protective clothing/footwear);

Work zone safety procedures, including identification of the minimum requirements for work zones (e.g. barricades to prevent incursion by public patrons). The procedures shall identify necessary safety equipment that should be available for work zones, such as traffic cones, barricades, and signage;

Medical treatment information, including identification of the location of medical treatment facilities at the Cruise Port Facility and procedures to follow in the event medical treatment is needed. Training in first aid shall also be required of all field Concession Company's employees;

Safety incident protocol, including the steps that The Concession Company employees should follow in the event of an incident. The protocol shall include: (i) emergency contact information for immediate response, (ii) forms for documenting incidents to provide a record of safety incidents to measure against and feedback for training purposes, and (iii) information as to the Concession Company's staff that should be responsible for collecting said documentation;

Hazardous or toxic materials protocols, including protocol for both spill prevention and spill cleanup. Further, the procedures and equipment necessary for the safe storage and handling of hazardous material should be specified. It shall also provide decontamination procedures for both Concession Company's employees and their equipment. The protocol should make reference to the Cruise Port Facility Emergency Plan as appropriate.

5.4.9. Performance Schedule

From time to time the Safety Plan shall be revised by the Concession Company to reflect a good faith effort to make improvements in any areas which have been subject to safety incidents throughout the applicable time frame. The revisions shall be made in an attempt to prevent the same type of incident from recurring.

5.4.10. Reporting Requirements

The Concession Company shall prepare a Safety Assessment Report on an annual basis for inclusion in the Operations and Maintenance Report. The reporting shall indicate the rate of safety incidents relative to historical data as well as identify any deficiencies that need to be corrected and projects undertaken during the year to correct any safety issues. Finally, the reporting shall summarize the findings from the self-inspection program.

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6. CRUISE PORT FACILITY SECURITY PROGRAM

6.1. BACKGROUND

A Cruise Port Facility Security Program (CPFSP) identifies the roles and security responsibilities of the Concession Company, law enforcement participation, and other Cruise Port Facility's users in terms of what each must do, how they must do it, and what resources must be committed to security, including the qualifications of security and law enforcement personnel.

6.2. REGULATORY COMPLIANCE

The CPFSP shall identify and comply with all Legal Requirements. Specifically, the measures contained in the CPFSP must comply with applicable USCG Regulations and/or applicable CBP Regulations, as appropriate. The Concession Company must ensure that employees and representatives conducting security procedures on its behalf comply with the provisions of the CPFSP and all Legal Requirements.

As a condition of Closing under this Agreement, the USCG and CBP shall have reviewed, as appropriate, and approved the CPFSP of the Concession Company, which shall apply to the Cruise Port Facility as of the Time of Closing.

The Concession Company will maintain the Cruise Port Facility in compliance with the USCG and CBP-approved CPFSP and will prepare and comply with revisions as directed by the USCG or the CBP. The requirements included in the USCG and CBP-approved CPFSP are incorporated by reference. In the event of an inconsistency between the requirements within this document and the USCG and CBP-approved CPFSP or any applicable Legal Requirements, the USCG and CBP-approved CPFSP or such applicable Legal Requirements shall take precedence.

In the future, under this Agreement, the Concession Company may be required to revise the USCG and CBP-approved CPFSP and seek approval of such revisions from the USCG and/or the CBP. In order to meet the requirements of the USCG and CBP respectively in reviewing and approving the CPFSP, the CPFSP shall be maintained as a separate document.

Appendix B contains a list of standards and regulations with which the Concession Company shall comply, at a minimum. The list is not intended to include all applicable standards and regulations - it is the responsibility of the Concession Company to identify and comply with all existing standards and regulations as well as future best practices applicable to the marine terminals' operations.

6.3. EXISTING PLANS

The Concession Company must ensure that the CPFSP complies with the relevant standards within the CPFEP which, in addition the requirements described herein, should be considered the minimum standard.

6.4. REQUIREMENTS OF THE PLAN

The Concession Company shall establish a comprehensive CPFSP that provides for the security of persons and property on the Cruise Facility against acts of criminal violence, piracy, and the introduction of an unauthorized weapon, explosive, or incendiary onto the Cruise Port Facility.

6.4.1. Objectives of CPFSP

The objective of the CPFSP is to ensure that the Concession Company establishes minimum requirements to ensure public safety and security.

6.4.2. Essential Staffing

The Concession Company shall designate a responsible person for the coordination of all security procedures and communications and provide point-of-contact information to the Cruise Port Facility Security Coordinator (CPFSC) including the name of its primary and secondary contacts and a 24-hour telephone number for both individuals.

An organizational chart shall be included in the CPFSP which identifies the essential staff responsible for each of the facilities covered under the CPFSP. The organizational chart shall identify the titles, roles, and duties for each of the individuals responsible for the operation and administration of the various facilities.

The organizational chart shall be supplemented by a summary of the levels of staffing that would be provided for each of the facilities operation. The levels of staffing shall be identified for each season of operation, as the requirements should vary throughout the year in accordance with the work effort. Current contact information shall be included for each essential staff member.

6.4.3. Stakeholders

The CPFSP shall identify all stakeholders (both public and private) that may be affected by the performance of the CPFSP and define any necessary applicable coordination with individual stakeholders. Stakeholders on the CPFSP, will include, but not be limited to: CBP, USCG, PRFD, local law enforcement, and Cruise Lines and Other Shipping Lines.

6.4.4. Scope of Plan

In the formulation and operation of the CPFSP, the Concession Company must coordinate with the requirements developed under the other relevant sections of the Operations and Maintenance Plan, including the Safety Plan, Emergency Management Plan, and any other section of Operations and Maintenance Plan which addresses security considerations. The CPFSP shall be submitted to the USCG and the CBP for review and approval.

The items listed below are provided solely as a general overview and are not intended to be a complete listing of the applicable Federal requirements. The Concession Company will be required to review the existing approved CPFSP and make all applicable changes to the existing document reflecting anticipated changes to operating procedures based upon this Agreement and assumption

of responsibilities. All requested changes will require USCG, CBP or both agencies' review and approval prior to official inclusion in the revised CPFSP preceding formal implementation.

The Concession Company shall develop and maintain a security plan which shall include, at a minimum, the following elements:

Procedures for security facilities, vehicles, equipment, and vessels during hours of operation.

Employees background checks required by the CPFSP and security awareness training including procedures to report suspicious personnel or situations to the proper law enforcement agencies. The Concession Company is responsible for ensuring that similar background checks are performed for employees of tenants or subcontractors which are granted access to the Cruise Port Facility facilities.

Customer, visitor and baggage identification.

Procedures for preventing tampering with facilities, vehicles, equipment and vessels.

Procedures for handling threats by phone and in person.

Procedures for controlling access to Concession Company-controlled premises and ensuring that vehicles, equipment, and personnel allowed to access through Concession Company's access point(s) are authorized and properly identified or under escort or other approved method of control, as established by the CPFSC.

Procedures for securing unattended facilities, vehicles, equipment and vessels.

Procedures for prohibiting passengers or baggage from being left unattended in sensitive areas.

Procedures for transient crew members and passengers including.

Ensuring proper escort or other method of control approved by the CPFSC.

Crew member contact information and verification procedures.

Verification issued photo IDs for vessels crew members.

Vendor procedures including:

Positive identification of all vendors having access to Concession Company-controlled premises.

Security check-in procedures for all vendors.

Procedures for ensuring all vendors are aware of security requirements for the Concession Company-controlled premises.

The Concession Company shall maintain fencing, doors, gates, lighting and locks in good condition at all times. The Concession Company shall be required to keep an active log of keys, access cards, and other media issued that allows access to the Concession Company-controlled premises or identities of authorized persons. The log shall be made available to the CPFSC upon

request, and any lost or stolen access/identification media shall be reported to the CPFSC immediately.

6.4.5. Facilities

The CPFSP shall identify all the facilities covered by the CPFSP, including piers or wharves structures, passenger terminal and concourses, facilities access checkpoints, and other applicable areas. An exhibit(s) should be prepared that identifies the facilities and the location of operations that are to occur under the provisions of the CPFSP. Any facilities dedicated to the execution of security operations shall be described and inventoried.

The CPFSP shall outline the daily operational security functions and provide an overview of the approach to security operations. It shall further identify the roles of the various parties responsible for execution of the security operations. At a minimum, it shall contain information on the security policies and procedures set forth by the Concession Company and the standards for operations in each facility.

The CPFSP shall identify the following for maintaining security in each facility and areas of responsibility in the Cruise Port Facility:

Physical areas of the Cruise Port Facility to be secured and monitored;

The party with primary responsibility for the security of said areas;

Frequency of security monitoring and patrols;

The methods of securing an area using staff, checkpoints, guards, barriers, or other means;

Concession Company's staff responsible for supervision of security personnel;

Schedule for security coverage.

The Concession Company understands that each Cruise Line(s) and Other Shipping Line(s) shall continue to control its or their own security access points.

6.4.6. Equipment

The equipment required to execute the security operations shall be identified and described in the CPFSP. The following shall be provided for each significant type of equipment: its purpose and function, the party that owns and operates it, and the condition and quantity.

The equipment specified by the CPFSP shall include, but not be limited to: video camera and closed-circuit television (CCTV) surveillance systems, alarm systems, access control systems, security vehicles, and communication systems. Non-functioning or under-performing equipment should be identified and reported within the Security Assessment Report, as described in Section 6.4.9 below.

6.4.7. Prevention of Trespass

The Concession Company shall use Reasonable Efforts to prevent unauthorized persons from gaining access to restricted operational areas through its facilities. If required, the Concession Company shall provide proper fencing of size and quality acceptable to the Authority that shall deter trespassing upon the operational areas of the Cruise Port Facility.

6.4.8. Performance Schedule

From time to time the CPFSP shall be revised to reflect a good faith effort to update the CPFSP as appropriate to maintain an accurate assessment of Cruise Port Facility security.

6.4.9. Reporting Requirements

In addition to reporting required under the CPFEP, the Concession Company shall specify a system for documenting security incidents. The specifications of the system shall dictate:

The Concession Company personnel and other parties responsible for recording any security incidents;

The Concession Company personnel and other parties that would be privy to the review of the documentation;

Descriptions of the various types of security incidents, including their severity;

Documentation regarding the maintenance and inspection of the system and its components;

The particular data that is required for documentation for a given incident (e.g. response time, date, parties involved, et cetera);

Definitions of the different types of security incidents and their severity.

The Concession Company shall prepare a Security Assessment Report that will aggregate the security incidents for an appropriate time period to be conveyed to the Authority and other appropriate parties (e.g. USCG, CBP, local law enforcement). The Concession Company shall specify any proposed changes to the CPFSP to prevent or mitigate future incidents. The parties responsible for the approval of the CPFSP shall provide the Concession Company commentary regarding the proposed changes in addition to approval.

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7. CRUISE PORT FACILITY EMERGENCY PLAN

7.1. BACKGROUND

Natural disasters (e.g. hurricanes), manmade disasters, and terrorist attacks require marine facilities operators to focus on improving facilities' emergency management. The Cruise Port Facility Emergency Plan (CPFEP) shall address essential emergency response actions planned to ensure the safety of and emergency services for all stakeholders and employees.

7.2. REGULATORY COMPLIANCE

The CPFEP must meet the requirements outlined in 33 CFR, 46 CFR and all other applicable Legal Requirements. The Concession Company must ensure that employees and representatives responsible for the emergency management comply with the provisions of the Cruise Port Facility Emergency Plan and all Legal Requirements.

7.3. EXISTING PLANS

Finally, the CPFEP shall involve review of the following documents to ensure that the CPFEP is comprehensive:

- Cruise Port Facility Security Plan;
- Cruise Lines and Other Shipping Lines Emergency Plan(s);
- Cruise Port Facility Tenant Emergency Plan(s);
- Local/regional/federal Emergency Operations Plan(s);
- Local/regional Emergency Services Plans;
- Local Industry OSHA/EPA Compliance Plans;
- Existing Mutual Aid Agreements/ Memoranda of Understanding;
- Local emergency response agreements;
- Private sector organization agreements;
- Military installation agreements.

7.4. REQUIREMENTS OF THE PLAN

As part of the transition activities prior to Closing described in Section 2.5(h) of this Agreement, the Concession Company shall revise the existing CPFEP to ensure that it conforms to the latest version of the Emergency Plan of the PRPA and be compliant with applicable regulations, including but not limited to 33 CFR and 46 CFR. The CPFEP shall provide the Concession Company with the minimum standards relating to planning for emergencies.

7.4.1. Objectives of the CPFEP

The objective of the CPFEP is to ensure that the Concession Company has planned for potential manmade or natural disasters and to ensure that the Concession Company has established appropriate protocols, procedures, responsibilities, and minimum requirements to mitigate for, prepare for, respond to, and recover from an emergency event.

7.4.2. Essential Staffing

An organizational chart shall be included in the CPFEP which identifies the essential staff responsible for each of the facilities covered under the CPFEP. The organizational chart shall identify the titles, roles, and duties for each of the individuals responsible for the operation and administration of the various areas of Cruise Port Facility.

The organizational chart shall be supplemented by a summary of the levels of staffing that would be provided for each of the facilities operations. The levels of staffing shall be identified for each season of operation, as the requirements should vary throughout the year in accordance with the work effort.

Current contact information shall be included for each essential staff member listed in the CPFEP.

The Concession Company shall coordinate with the entities listed below, as appropriate, in preparing their CPFEP (or updating the existing CPFEP if applicable).

CPFEP Planning Team Members		
1 Cruise Lines and Other Shipping Lines	13 Government authorities (e.g. local community emergency planners, 7SA and FEMA, as appropriate)	24 Civil Air Patrol
2 San Juan Harbor Master		25 Local law enforcement
3 Vessel operators	14 EPA	26 Public Information/Media
4 The Authority and its employees	15 EOD	27 Public Works & Engineering
5 Cruise Port Facility tenants	16 HAZMAT Response Team	28 Public Utilities
6 Emergency Medical Services	17 Health & Medical	29 Red Cross
7 USCG	18 National Weather Service	30 Communications Services
8 PRPD	19 NTSB	31 Coroner
9 Hospitals	20 NISB	32 Emergency Management Agency
10 Mental Health Agencies	21 Resource Support	33 Morgue
11 Military/National Guard	22 Search & Rescue	34 Municipality of San Juan
12 Mutual Aid Agencies	23 FAA	35 Department of Natural and Environmental Resources

The Concession Company's Cruise Port Facility General Manager, PRPA Chair, or other appropriate executive(s) should also be a part of the team. Preparation for a disaster requires team leaders to understand the hazards analysis process and its associated results, and their respective roles during emergencies. Team leaders shall also review information describing past disasters similar to those which could occur on the Cruise Port Facility, as well as readiness assessments and exercise critiques, and potential liability issues.

7.4.3. Stakeholders

The CPFEP shall identify all stakeholders (both public and private) that may be affected by the performance of the CPFEP and define any necessary applicable coordination with individual stakeholders. Stakeholders in the CPFEP, will include, but not be limited to potential team members listed in Section 7.4.2.

7.4.4. Scope of Plan

The following is a high-level outline of the Concession Company's responsibilities that shall be included and addressed in the revised CPFEP. The outline is not all-inclusive and only identifies the minimum requirements for the CPFEP. The CPFEP must also include provisions for annual and periodic updates, training, and supervision of staff and adherence to all policies and procedures.

7.4.5. General Information

The CPFEP shall consist of the following four major components:

Basic plan - provides an overview of the Concession Company's emergency response organization and policies;

Functional annexes - individual plans organized around the performance of operations-oriented tasks;

Asset inventory - facilities, assets, equipment and supplies, including advance identification of certain supplies not readily available to support the mission or response to an emergency;

Hazard-specific sections - provides detailed information applicable to the performance of particular functions in support of a particular hazard;

Standard Operating Procedures (SOPs) and Checklists - provides detailed instructions for The Concession Company personnel to follow in their execution of responsibilities assigned in the CPFEP.

Additional information on each of these sections is provided in the following sections.

7.4.6. Basic Plan

The Basic Plan provides an overview of the Concession Company's approach to emergency operations, defines related policies, describes response organization, and assigns tasks. Its primary objective is to meet the informational needs for the Concession Company's executives.

The Basic Plan must include the following introductory information:

Promulgation document;

Signature page;

Dated title page;

Record of changes;

Record of distribution; and

Table of contents.

The Basic Plan must include the following information:

Purpose. A statement of the purpose of the CPFEP, with a brief synopsis of the entire document (including the functional annexes and hazard-specific sections);

Situation and assumptions. A section documenting the hazards the CPFEP addresses, the characteristics of the Cruise Port Facility that may affect response activities, and how they affect them; and the information used in the preparation of the CPFEP that should be treated as assumption rather than fact;

Operations. This section should describe the Cruise Port Facility's overall approach to an emergency situation (i.e. what should happen, when and at whose direction);

Organization and Assignment of Responsibilities. This section identifies all individuals and organizations that may be involved responding to an emergency incident;

Administration and Logistics. This section addresses the general support considerations, including the availability of services and support for all types of emergencies. It should also identify general policies for management of resources; references to mutual aid agreements; authorities for and policies regarding augmenting Concession Company staff; and general policies on financial record keeping, reporting, and tracking resources;

Plan Development and Maintenance. This section includes: identification of the schedule for review of each part of the CPFEP; identification of training, drills, and exercises; and identification of the personnel responsible for reviewing the CPFEP and planning the training.

7.4.7. Functional Annex Requirements

In preparation of the functional annex requirements, the Concession Company shall perform a hazards analysis. The findings of the assessment will, in part, dictate the level of planning for various emergencies. Functional annexes are plans organized around the performance of broad tasks, including: command and control, communications, health and medical, etc.

Since functional annexes are operations oriented, their target audiences are those who perform the tasks. They should not repeat general information contained in the Basic Plan. At a minimum, the CPFEP shall include a functional annex that addresses how each of the following functions shall performed:

- Command and control;
- Communications;
- Alert notification and warning;
- Emergency public information;
- Protective actions;
- Law enforcement/security;
- Firefighting and rescue;
- Health and medical services;
- Resource management; and
- operations and maintenance.

In addition, the following functions shall be addressed as required depending on the findings of the hazards analysis:

- Initial and follow-on damage assessment
- Search and rescue;
- Incident mitigation and recovery;
- Mass care; and
- Chemical, biological, radiological, nuclear, and high yield explosive (CBRNE) protection.

Each functional annex shall:

- Focus on the specific operations, including what the function is and who or what agency has the responsibility for the execution of the function;

Emphasize specific responsibilities, tasks, and operational actions pertaining to the function being performed;

Address the activities to be performed by individuals with responsibilities under the function and the schedule for such activities;

Identify the actions that will ensure effective response and aid in the event of an emergency;

Define and describe the policies, processes, roles and responsibilities inherent to the various functions for mitigation/preparedness prior to an emergency, response during an emergency, and recovery from an emergency;

Identify clear lines of authority, incident command structure, and appropriate communications.

7.4.8. Hazard Specific Annex Requirements

The need for a hazard-specific annex will be determined as a result of the hazards analysis conducted to inform the development of the functional annexes. Hazard-specific annexes must follow the same structure and similar content as the Basic Plan and the Functional Annexes. The following specific hazards shall be addressed within the CPFEP:

Vessel incidents and accidents;

Bomb incidents;

Structural fires;

Fires or other emergencies at fuel farms or fuel storage areas;

Natural disasters (e.g. hurricanes, heavy rains and flooding);

Hazardous materials/dangerous goods incidents;

Sabotage, hijack incidents or other unlawful interference with operations;

Failure of power for movement area lighting;

Water rescue situations.

The content of a hazard-specific section of the CPFEP shall focus on the special planning needs associated with the particular hazard being addressed.

7.4.9. SOPs and Checklists

SOPs and Checklists provide detailed instructions that an individual or organization needs to fulfill responsibilities and perform tasks assigned in the CPFEP. Most SOPs and Checklists are hazard-specific and are attached to each Section. For example, the local law enforcement agency may have a general SOP for Access Control or for Building Evacuation with supporting individual checklists for the Shift Supervisor, etc. Additionally, these documents shall provide enough detail

to cover the basic response and recovery functions necessary to get the job done, but shall be general enough to be flexible since no two emergencies are the same.

7.4.10. Performance Schedule

From time to time the CPFEP shall be revised by the Concession Company to reflect a good faith effort to update the CPFEP as appropriate to maintain an accurate assessment of emergency operations at the Cruise Port Facility.

7.4.11. Reporting Requirements

The Concession Company shall prepare a summary of emergency incidents, training, drills, and exercises performed on an annual basis for inclusion in the Concession Company's Annual Report. The reporting shall identify any deficiencies that need to be corrected and projects undertaken during the year to correct any issues that arise from training, drills or other activities.

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8. CUSTOMER SERVICE PLAN

8.1. BACKGROUND

The Customer Service Plan (CSP) section of the Operations and Maintenance Plan shall provide assurance to the Authority that the Concession Company is planning and implementing appropriate measures to ensure high levels of customer service. The CSP shall be developed and executed by the Concession Company, and submitted to the Authority for approval.

8.2. REGULATORY COMPLIANCE

The Operations and Maintenance Plan shall identify all Legal Requirements relevant to customer service. The Concession Company must ensure that employees and representatives responsible for customer service comply with the provisions of the CSP and all Legal Requirements.

Appendix B contains a list of standards and regulations with which the Concession Company shall comply, at a minimum. The list is not intended to include all applicable standards and regulations - it is the responsibility of the Concession Company to identify and comply with all existing standards and regulations as well as future best practices applicable to marine terminals operations.

8.3. COMMUNITY RELATIONS PROGRAMS

The Authority, on behalf of itself or another governmental entity, reserves the right to operate its own community relations programs in addition to any community relations program conducted by the Concession Company.

8.3.1. Tourism

The Concession Company shall, at all times during the Term, facilitate the activities of the Puerto Rico Department of Economic Development and Commerce, Tourism Office or Compañía de Turismo de Puerto Rico, at the Cruise Port Facility. Facilitation includes the provision of reasonable space in passenger terminals, at no charge, for the Puerto Rico Department of Economic Development and Commerce, Tourism Office or Compañía de Turismo de Puerto Rico, to install information displays and distribute printed material (including but not limited to flyers, brochures, information booths, etc.).

In its preparation of Customer Service Plan, the Concession Company shall use its Reasonable Efforts to coordinate with the Puerto Rico Department of Economic Development and Commerce, Tourism Office or Compañía de Turismo de Puerto Rico, in integrating its recommendations and representation.

8.4. REQUIREMENTS OF THE PLAN

The CSP shall identify the plan's objectives, essential staffing, stakeholders, scope, performance schedule, and reporting requirements as described below.

8.4.1. Objectives of CSP

The objective of the CSP section of the Operations and Maintenance Plan is to define the responsibilities, procedures, and minimum requirements for the staff dedicated to customer service; and shall also provide guidance regarding staff training relating to customer service. Further, the customer service section of the Operations and Maintenance Plan shall define a system for: (i) identifying customer concerns; (ii) documenting and tracking concerns; and (iii) establishing the action plan to mitigate and correct concerns.

8.4.2. Essential Staffing

An organizational chart shall be included in the CSP which identifies the essential staff responsible for each of the facilities covered under the CSP. The organizational chart shall identify the titles, roles, and duties for each of the individuals responsible for the operation and administration of the Cruise Port Facility.

The organizational chart shall be supplemented by a summary of the levels of staffing that would be provided for each of the facilities operations. The levels of staffing shall be identified for each season of operation, as the requirements should vary throughout the year in accordance with the work effort.

Current contact information shall be included for each essential staff member.

8.4.3. Stakeholders

The CSP shall identify all stakeholders (both public and private) that may be affected by the performance of the CSP and define any necessary applicable coordination with individual stakeholders. Stakeholders on the CSP will include, but not be limited to, the following: Cruise Lines and Other Shipping Lines customer service representatives, tour operators' customer service personnel, passengers, and other members of the general public.

8.4.4. Scope of Plan

The CSP shall address the following topics:

Staff training and recurrent training;

Customer concern system;

Passenger assistance protocols;

Information services;

Minimum standards;

Level of Service Report.

Staff training. This CSP section of the Operations and Maintenance Plan shall identify the training program for the employees responsible for customer service. The goal of the training shall



be to ensure that all employees that interact with Cruise Port Facility patrons will provide courteous, efficient, and helpful service. This training will provide a protocol for interactions with customers to guide customer service representatives to ensure high levels of customer satisfaction.

Customer concern system. This CSP section of the Operations and Maintenance Plan shall identify the system used to identify, track, mitigate, and resolve customer concerns. The system shall be capable of identifying the priority of the concerns and the timeframe for their resolution. The system shall also identify the procedure for follow-up communication to the customer in the event a formal complaint or concern arises. If the customer concern resolution involves physical improvements or procedural modifications, these shall be documented in revisions to the Operations and Maintenance Plan. Physical improvements recommended shall be addressed in the Capital Asset Management Plan; procedural modifications shall be folded in the Facilities Standards Plan.

Passenger assistance protocols. This CSP section of the Operations and Maintenance Plan shall identify the protocol for provision of passenger assistance. This assistance includes provisions for: (i) the transportation for the elderly and disabled patrons to and from vessels, as necessary; (ii) lost and found.

Information services. This CSP section of the Operations and Maintenance Plan shall identify the minimum requirements for the provision of information to Cruise Port Facility patrons. Information services include: provision on-site information kiosks or offices. On-site information kiosks shall provide information regarding: (i) regional transportation options; (ii) local and regional lodging; (iii) maps of the facilities and surrounding region. To the extent possible, multilingual information shall be provided.

Minimum standards. For each function of the Cruise Port Facility, the Concession Company shall define the minimum level of service that must be met for compliance with the Operations and Maintenance Plan. The level of service shall be consistent with the appropriate World Association for Waterborne Transport Infrastructure (PIANC) defined levels of service for marine Cruise Port facilities in their *Guidelines for Cruise Terminals Report n° 152* definitions.

8.4.5. Level of Service Report

A Level of Service Report shall be prepared annually as described in the reporting requirements section below. The findings of the level of service report shall be folded into the Capital Asset Management Plan to ensure that facilities that are operating below a minimum level of service as defined by the Concession Company are earmarked for improvements.

8.4.6. Performance Schedule

From time to time the CSP section of the Operations and Maintenance Plan should be revised by the Concession Company to reflect a good faith effort to make improvements in areas where customer service has not met the standards of the Concession Company, as identified in the annual reporting described in the following section.

8.4.7. Reporting Requirements

The Concession Company shall prepare a Level of Service Report on an annual basis. This report shall document the findings of an annual survey of passengers regarding: land access, vehicles parking, terminal curb front, passenger check-in, passenger security screening, terminal concessions, departure hold areas, baggage lay-down areas. The Level of Service Report shall indicate whether the function is providing excellent, good, fair, or poor levels of service. The Level of Service Report shall report the percentage of responses for each of the categories. Functions that receive a grade of poor from 20% or more respondents must be addressed. The goal of the Concession Company shall be to receive excellent or good feedback on each facility from at least 80% of respondents.

The Authority and the Concession Company may agree to modify the Level of Service Report goals of excellent or good feedback on each facility from at least 80% of respondents to take into account periods of Cruise Port Facility construction and other events that may affect users of the Cruise Port Facility. It is acknowledged that the Level of Service Report goals are intended to be a target and that, in the event that target is not reached in a given year, it will not provide an independent basis for declaring Concession Company Default under this Agreement but, rather, the Concession Company's compliance shall be subject to the provisions set forth in Section 6.1 of this Agreement.

For each of the areas surveyed, the Concession Company shall establish a history of customer feedback by reporting the historical results adjacent to the current year's results. The survey must also capture feedback regarding passenger comfort level, convenience, quality of service, and overall traveling experience at the Cruise Port Facility. For those areas with reported poor levels of service, the Concession Company shall develop an action plan to address the concerns, either through a combination of training for staff, physical improvements, procedural changes, or further study.

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APPENDIX A

CRUISE PORT FACILITY EMERGENCY PLAN

To be provided by the Concession Company prior to Closing for the Authority's approval, at which time it shall be included in this Appendix A of Schedule 12.

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APPENDIX B

AVAILABLE GUIDANCE AND STANDARDS

SCHEDULE 12 CRUISE PORT FACILITY - O & M GUIDANCE DOCUMENTS*		
#	Number	Title
General Reference: Local Guidance and Regulations		
1.	Act No. 14-2004, as amended	known as the "Puerto Rican Industry Investment Act"
2.	Act No. 42-2018, as amended	known as "Local Construction Contractors and Suppliers Preference Act"
3.	Act No. 62-2014, as amended	known as the "Act to Support Microbusinesses and Small and Medium-Size Businesses"
4.	Act No. 109 of July 12, 1985, as amended	known as the "Construction Materials Manufactured in Puerto Rico Act"
5.	Act 161-2009, as amended	known as "Puerto Rico Permit Process Reform Act"
6.	Act No. 173 of August 12, 1988, as amended	known as "Board of Examiners of Engineers, Architects, Surveyors and Landscape Architects of Puerto Rico Act"
7.	Act 416-2004, as amended	known as the "Puerto Rico Environmental Public Policy Act"
8.	*Act 70 of September 18, 1999, as amended	known as the "Act for the Reduction of Solid Wastes in Puerto Rico"
9.	*Act 241 of August 15, 1999, as amended	known as the "New Wildlife Act of Puerto Rico"
10.	Act 10 of August 7, 1987, as amended	known as the "Act for the Protection, Conservation and Study of Subaquatic Archaeological Sites and Resources"
11.	Act 112 of June 20, 1988, as amended	known as the "Act to Create the Council for the Protection of the Terrestrial Archaeological Patrimony"
12.	Act 267 of September 11, 1998, as amended	known as the "Excavation and Demolition Center Act of Puerto Rico"
13.	Act No. 125 of May 7, 1942, as amended	known as the "Puerto Rico Ports Authority Act"
14.	Act No. 151 of June 28, 1968, as amended	known as the "Dock and Harbor Act of Puerto Rico of 1968"
15.	Regulation 9081 or Regulation 7951 (whichever is in effect)	Puerto Rico Planning Board's ("PRPB") Joint Regulation for the Evaluation and Issuance of Permits Related to Development, Land Use and Business Operations dated May 8, 2019 or Joint Regulation for Permits for Construction

SCHEDULE 12 CRUISE PORT FACILITY - O & M GUIDANCE DOCUMENTS*		
#	Number	Title
		Works and Land Use, dated November 29, 2010, as may be in effect.
16.		Municipality of San Juan Territorial Ordainment Plan and Territorial Ordainment Regulation, adopted by the PRPRPB by Resolution Number JP-PT-18-1 of October 9, 2002 and approved by the Governor by Executive Order OE-2003-16 on March 13, 2003, as amended
17.	Regulation 7797, as amended	Special Flood Hazard Areas Regulation, Planning Regulation No. 13. (PRPB)
18.	Regulation 7245, as amended	Regulation for the Creation and Functioning of the Center for Coordination of Excavations and Demolitions (Puerto Rico Public Service Commission)
19.	Regulation 5300, as amended	Regulation for the Control of Atmospheric Pollution (Puerto Rico Environmental Quality Board ("EQB", now Department of Natural and Environmental Resources ("DNER"))
20.	Regulation 5717, as amended	Non-Hazardous Solid Waste Management Regulation (EQB, now DNER)
21.	Regulation 2863, as amended	Regulation for the Control of Hazardous Solid Wastes (EQB, now DNER)
22.	Regulation 6765, as amended	Regulation Governing the Conservation and Management of Wildlife, Exotic Species and Hunting (DNER)
23.	Regulation 6825, as amended	Regulation for the Reduction, Reuse and Recycling of Solid Wastes in Puerto Rico (DNER and Solid Waste Authority)
24.	Regulation 7364, as amended	Puerto Rico Code for Human Safety and Protection against Fires (Puerto Rico Fire Department)
25.	*Regulation 8732, as amended	Puerto Rico Water Quality Standards Regulation (EQB, now DNER)
26.	Regulation 9035, as amended	Underground Storage Tank Control Regulation (EQB, now DNER)
27.	Regulation 7982, as amended	Regulation of General Terms and Conditions for the Supply of Electric Power (Puerto Rico Electric Power Authority)
28.	Resolution JP-211	Resolution JP-211
29.	Regulation 8901, as amended	Regulation for the Use of Aqueduct and Sanitary Sewer Services (Puerto Rico Aqueduct and Sewer Authority "PRASA")
30.	Regulation 6685, as amended	Regulation for Aqueduct and Sewer Services (PRASA)

SCHEDULE 12 CRUISE PORT FACILITY - O & M GUIDANCE DOCUMENTS*		
#	Number	Title
31.	Regulation 7655, as amended	General Regulation for Environmental Health (Puerto Rico Department of Health)
32.	Regulation 8892, as amended	Regulation for the Administration, Control and Imposition of Charges in the Port Zone of the San Juan Bay (Puerto Rico Ports Authority)
33.	Regulation 8858, as amended	Regulation for the Evaluation and Processing of Environmental Documents (EQB, now DNER)
34.	Regulation 3149, as amended	Rules and Regulations for the Design Standards Puerto Rico (PRASA)
35.	Regulation 5754, as amended	Regulation for the Control of Erosion and Prevention of Sedimentation (EQB, now DNER)
36.	Regulation 6594, as amended	Regulation for the Control of Lead-Based Paint Mitigation Activities (EQB, now DNER)
37.	Regulation 8019, as amended	Regulation for the Control of Noise Pollution (EQB, now DNER)
38.	Regulation 8786, as amended	Regulation for the Control and Prevention of Light Pollution (EQB, now DNER)
39.	Regulation 9048, as amended	<p>Puerto Rico Building Code 2018, which includes the following codes:</p> <p>Puerto Rico Building Code 2018, as amended from the 2018 International Building Code®;</p> <p>Puerto Rico Residential Code 2018, as amended from the 2018 International Residential Code®;</p> <p>Puerto Rico Mechanical Code 2018, as amended from the 2018 International Mechanical Code®;</p> <p>Puerto Rico Plumbing Code 2018, as amended from the 2018 International Plumbing Code®;</p> <p>Puerto Rico Fire Code 2018, as amended from the 2018 International Fire Code®;</p> <p>Puerto Rico Fuel and Gas Code 2018, as amended from the 2018 International Fuel and Gas Code®;</p> <p>Puerto Rico Energy Conservation Code 2018, as amended from the 2018 International Energy Conservation Code®;</p> <p>Puerto Rico Existing Building Code 2018, as amended from the 2018 International Existing Building Code®;</p>

SCHEDULE 12 CRUISE PORT FACILITY - O & M GUIDANCE DOCUMENTS*		
#	Number	Title
		Puerto Rico Private Sewage Disposal Code 2018, as amended from the 2018 International Private Sewage Disposal Code®; and Puerto Rico Swimming Pool and Spa Code 2018, as amended from the 2018 International Swimming Pool and Spa Code®.
40.	17 OSH	Regulation for Elevators and Related Equipment
41.	18 OSH	Regulation for Boilers and Other Pressure Equipment
Additional Reference Documents		
42.	World Association for Waterborne Transport Infrastructure (PIANC) Report no 152: Guidelines for Cruise Terminals (2016), MarCom WG 152 dated 8 July 2016	
43.	World Association for Waterborne Transport Infrastructure (PIANC) Report no 158: Masterplans for the Development of Existing Ports (2014), MarCom WG 158 dated 8 September 2014	
44.	LEED - Leadership in Energy and Environmental Design	
Federal Regulations and Orders		
45.	14 Code of Federal Regulations (“CFR”) Part 77.9, FAA- Notice of Proposed Construction or Alteration	
46.	29 CFR Part 1917, Marine Terminals (OSHA)	
47.	46 CFR 44.01-13, Heavy weather plan and USCG Sector San Juan Heavy Weather Plan	
48.	33 CFR Part 6, Protection of Security of Vessels, Harbors and Waterfront Facilities	
49.	33 U.S.C. §83; 33 CFR Part 64, Marking of Structures, Sunken Vessels and other Obstructions	
50.	33 CFR Part 101, USCG Area Maritime Security Committee, Ships, Facilities	
51.	33 CFR Part 105, Maritime Security: Facilities	
52.	33 CFR Part 126, Handling of Dangerous Cargo at Waterfront Facilities	
53.	33 CFR Part 128, Security of Passenger Terminals	
54.	33 CFR P165.758 Security Zone; San Juan, Puerto Rico	
55.	Marine Protection, Research and Sanctuaries Act of 1972, Section 103, as amended, 33 U.S.C. §1413; 33 CFR Part 324, Permits for Ocean Dumping of Dredged Material	
56.	Williams Steiger Occupational Safety and Health Act of 1970, 29 U.S.C. §§651 <i>et seq.</i>	
57.	29 CFR Part 1926 (Originally CFR Part 1518) Safety and Health Regulations for Construction	
58.	29 CFR Part 1910, Occupational Health and Safety Standards	

SCHEDULE 12 CRUISE PORT FACILITY - O & M GUIDANCE DOCUMENTS*		
#	Number	Title
59.	Clean Water Act, Section 402, as amended, 33 U.S.C. §1342; 40 CFR Part 122, EPA Administered Programs, National Pollutant Discharge Elimination System	
60.	2017 NPDES General Permit for Discharges from Construction Activities, as may be superseded or amended	
61.	2015 NPDES Multi-Sector General Permit, as may be amended or superseded	
62.	Clean Water Act, Section 404, as amended, 33 U.S.C. §1344; 40 CFR Part 323, Permits for Discharges of Dredged or Fill Material into Waters of the United States	
63.	Clean Air Act, Section 112, 42 U.S.C. §7412; 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP), including but not limited to 40 CFR Part 61, Subpart M, NESHAP for Asbestos	
64.	Clean Water Act, Section 401, 33 U.S.C. §1341, 40 CFR Part 131; <i>see also</i> Puerto Rico Water Quality Standards Regulations	
65.	Section 10 of the Rivers and Harbors Act of 1899, as amended, 33 U.S.C. §403; 33 C.F.R. Part 322	
66.	Section 307 of Coastal Zone Management Act of 1972, as amended, 16 U.S.C. §1456; Puerto Rico Coastal Zone Management Program	
67.	40 CFR Part 280, Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (USTs)	
68.	Buy America Act, 41 USC §§8301-8305,	
69.	49 U.S.C. Section 44718, Structures interfering with air commerce or national security	
70.	Magnuson-Stevens Fisheries Conservation and Management Act, Section 305, as amended, 16 U.S.C. §1855; 40 CFR Part 600, Magnuson-Stevens Act Provisions	
71.	Americans with Disabilities Act of 1990, 42 U.S.C. Chapter 126	
72.	Hazardous Material Transportation Act, 49 U.S.C. 1801 <i>et seq.</i> ; 49 CFR Chapter I, Subchapter C, Hazardous Materials Regulation	
73.	Maritime Transport Security Act of 2002, as amended, 46 U.S.C. Chapter 701	
74.	Ports and Waterways Safety Act of 1972, as amended, 46 U.S.C. §§1221 <i>et seq.</i>	
75.	Comprehensive Environmental Response and Compensation and Liability Act, 42 U.S.C. §§9601 <i>et seq.</i> and implementing regulations, including but not limited to 40 CFR Parts 300 to 312	
76.	Clean Air Act, Section 176, as amended, 42 U.S.C. §7506; 40 C.F.R. Part 93, Determining Conformity of Federal Actions to State or Federal Implementation Plans	
77.	Emergency Planning and Community Right-to-Know Act, 42 U.S.C. §§11001 <i>et seq.</i> ; 40 CFR Part 350-372	
78.	40 CFR Part 262, Standards applicable to Generator of Hazardous Wastes	
79.	Oil Pollution Act of 1990, 33 U.S.C. §§2701-2761	

SCHEDULE 12 CRUISE PORT FACILITY - O & M GUIDANCE DOCUMENTS*		
#	Number	Title
80.	40 CFR Part 300,	National Oil and Hazardous Substances Pollution Contingency Plan
81.	40 CFR Part 112,	Oil Pollution Prevention
82.	National Environmental Policy Act, 42 U.S.C. §§ 4321 et seq;	40 CFR Parts 1500 to 1508
83.	Sections 106 and 110 of the National Historic Preservation Act of 1966, 16 U.S.C. 470 and 470h2;	36 CFR Part 800, Historic Preservation
84.	Endangered Species Act of 1973, as amended, 16 U.S.C. §§1531 et seq.	
85.	Executive Order No. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,"	59 Fed. Reg. 7629, Feb. 16, 1994
86.	Federal Insecticide Fungicide and Rodenticide Act,	7 U.S.C. §§136, <i>et seq.</i>
87.	Federal requirements for the use of ULSD fuel for both on-road (2007) and off-road (2010) vehicles	
88.	Federal Trade Commission's "Guide for the Use of Environmental Marketing Claims,"	16 CFR 260.7(e)
89.	Federal Transit Act	40 C.F.R. Part 51, Subpart T
90.	National Fire Protection Administration Code for Passenger Terminal	
91.	Resource Conservation and Recovery Act of 1976,	42 U.S.C. §§ 6901 <i>et seq.</i>
92.	Safe Drinking Water Act,	42 U.S.C. §§300f <i>et seq.</i> ; 40 CFR Part 141, National Primary Drinking Water Standards, and Part 142, National Primary Drinking Water Standards Implementation
93.	Toxic Substances Control Act of 1976,	15 U.S.C. §§2601 <i>et seq.</i>
94.	Worker's Compensation Act	
95.	49 U.S.C. §§470101 <i>et seq.</i> ; 14 C.F.R. Parts 77 and 139; and associated FAA orders, with respect to the preparation of Construction Safety and Phasing Plan	
	14 C.F.R. Part 139, Certification of Airports (with respect to any required amendments to airport certification manual)	
96.	49 U.S.C. §§470101 <i>et seq.</i> , with respect to FAA approval of changes to Airport Improvement Program funding and/or Airport Layout Plan	

*Note: Several of the guidance and standard documents contained on this list are applicable to the design and construction (D&C) phase of the project and are included in the D&C Schedule 13 list.

APPENDIX C

**FORM OF OPERATIONAL PERFORMANCE METRICS REPORT:
SAN JUAN CRUISE PORT FACILITY**

This appendix provides outlines for the various reports required by these Operating Standards. The reports may include material beyond that listed, but they should at a minimum address the items listed in the following tables.

Operational Performance Report		
Category	Metric	Standard
Cruise Piers, including waterside berthing and mooring structures (piers and wharves)		
Berthing operations	Visual inspections	At each call
	Bunkering inspections	Observation during bunkering operations
	Incursions by vehicles or pedestrians	Zero incursions
	Shore-to-ship power failure (when available, for installations within the perimeter of the Cruise Port Facility)	Response time: [24] hours; Repair [5] days.
	Unscheduled pier / wharf closures	Less than the historical mean for the last five years
Above water structures of piers and wharves including fendering, mooring dolphins & bollards	Visual inspections	Every [6] months
Drainage and utilities	Failure or downtime	Response time: [24] hours; Repair [5] days.
Piers/ wharves apron pavement	Visual inspection	Every [1] year.
Below water structures of piers and wharves	Diving inspection	Every [5] years.
Cruise Pier Buildings including passenger terminals		
Home Port Terminals – Embarkation	Number of X-rays	PIANC Report no 152: Guidelines for Cruise Terminals (2016), subject to minimum requirements of CBP and/or USCG being met
	Surface of inspection lines for security checks	PIANC Report no 152: Guidelines for Cruise Terminals

Operational Performance Report		
Category	Metric	Standard
		(2016), subject to minimum requirements of CBP and/or USCG being met
	Amount of inspection lines for security checks	PIANC Report no 152: Guidelines for Cruise Terminals (2016), subject to minimum requirements of CBP and/or USCG being met
	Security guards and Auxiliary guards	PIANC Report no 152: Guidelines for Cruise Terminals (2016), subject to minimum requirements of CBP and/or USCG being met
	Ticketing	PIANC Report no 152: Guidelines for Cruise Terminals (2016)
	Waiting Area / embarkation lobby	PIANC Report no 152: Guidelines for Cruise Terminals (2016)
	VIP area	Provision of separate security inspection line and ticketing counter, on request from Cruise Line(s)
Passport control	Area per passenger	CBP
Home Port Terminals – Disembarkation	Baggage lay-down area per passenger	PIANC Report no 152: Guidelines for Cruise Terminals (2016)
Public restrooms	Cleanliness - average number of cleanings per day per restroom	3 to 5 cleanings per day and one attendant for both men and women bathrooms.
	Supervisor inspections of restrooms per 8-hour shift	Supervisor must inspect each restroom at least 3 times / shift.
Loading bridges	Overall functionality	Response time: 2 hours; Repair: 72 hours, unless repairs extend beyond 72 hours due to unavailability of required parts within this time period.
	Pre-conditioned air	Response time: 30 minutes; Repair: 48 hours.

Operational Performance Report		
Category	Metric	Standard
Passenger conveyance systems	Elevators/escalators/ moving walkways	Response time: 2 hours; Repair: 5 days
Terminal building mobile data connection	Availability of Free WiFi	A Wi-Fi connection of a minimum of 50 Mbps for all passenger areas
	Downtime Free WiFi	Response time: 2 hours; Repair: 72 hours
Terminal building climate	Temperature between 70 and 74 degrees Fahrenheit	Response time: 30 minutes; Repair: 48 hours
Terminal building power	Emergency generators	Monthly inspection
Terminal building janitorial	Clean floors of public walkways, departure hold areas, passenger loading bridges, and all public areas	Daily; respond to spill incidents as required
Terminal building waste removal	Empty waste receptacles; replace liners	As needed, on a daily basis

Operational Performance Report		
Category	Metric	Standard
Ground Transportation Areas within the Cruise Port Facility		
Roadways pavement and markings	Visual inspection	Every 6 months.
Parking pavement and markings	Visual inspection	Every 6 months.
Access and waiting time in Ground transportation areas	Private vehicles : maximum wait time (minutes)	15
	Taxicabs: maximum wait time (minutes)	15
	Shuttle bus / buses: maximum wait time (minutes)	30

Facilities Condition Assessment
Assessed facilities should be classified using the following categories: Excellent - no operational deficiencies, minimum standards exceeded; Good - minor operational deficiencies, minimum standards exceeded or met;

<p>Fair - minor operational deficiencies, most minimum standards met, some capital improvements or corrective actions should be considered, intermediate-term improvements should be identified;</p> <p>Poor - significant operational deficiencies, facility is failing to meet minimum standards, capital improvements or corrective actions must be taken in near-term;</p> <p>Critical - major operational deficiencies, urgent corrective action must be undertaken, and/ or safety issues are present. This category may also include improvements mandated by new laws or regulations.</p>	
Berthing structures	Field inspection of fenders, mooring dolphins and piers and wharves (above and below water).
Pier / wharf pavements	Field inspection of pier / wharf pavements, drainage and utilities, for aprons and vehicle service roads.
Buildings	Inspect all Cruise Port Facility buildings from a safety and operational perspective: all safety issues must be identified for resolution by the Concession Company as soon as possible.
Building systems	<p>Inspect all Cruise Port Facility building systems from a safety and operational perspective.</p> <p>Building systems include mechanical, electrical, communication, and plumbing systems.</p> <p>This work should be carried out by a licensed engineering firm that specializes in building systems (see Section 3.4.9 for further information regarding the details regarding the retention of the licensed engineering firm).</p>
Equipment	Inspect all Cruise Port Facility equipment (e.g. maintenance equipment) from a safety and operational perspective: all safety issues must be identified for resolution by the Concession Company as soon as possible.
Utilities	Inspect critical Cruise Port Facility related utilities, including storm sewer, sanitary sewer, electrical, water, and communication.
Capital improvement recommendations (immediate)	Recommendations to the Concession Company in terms of capital improvements that should be carried out immediately due to safety concerns.
Capital improvement recommendations (future)	Recommendations to the Concession Company in terms of near-, intermediate- and long-term capital improvements.

Vessel and Passenger Traffic Summary	
The Vessel and Passenger Traffic Summary (VPTS) would provide monthly breakdown and month-over-month / year-over- year comparisons for each of the data listed below.	
Vessel Operations	
Annual Operations	All cruise operations (distinguishing Homeport and Port of Calls)
	All non-cruise commercial operations (e.g. ferries)
	All other operations (e.g. military, non-commercial, etc.)
Peak Month Operations	All cruise operations (distinguishing Homeport and Port of Calls)
Peak Month Average Day Ops (Peak Month/31 days)	All cruise operations (distinguishing Homeport and Port of Calls)
Peak Day Operations	All cruise operations (distinguishing Homeport and Port of Calls)
Commercial Fleet Mix	CAT 1 cruise vessels (%)
	CAT 2 cruise vessels (%)
	CAT 3 cruise vessels (%)
	Other commercial vessels (non-cruise) (%)
Commercial Activity	
Average call size	The average amount of passengers per individual cruise vessel calls, distinguishing Homeport and Port of Calls cruise activities and other scheduled services as applicable (e.g. ferry), on a monthly basis
Annual Passengers	Homeport cruise passengers
	Port of Call cruise passengers
	Ferry passengers
	Other revenue passengers
	Non-revenue passengers
	Total passengers
Annual vessel calls	Homeport cruise vessels
	Port of Call cruise vessels
	Ferry vessels
	Other vessels
	Total vessels
Peak Month Passengers	Homeport cruise passengers
	Port of Call cruise passengers

	Ferry passengers
	Other passengers
	Total passengers
Peak Month Average Day Passengers	Homeport cruise passengers
	Port of Call cruise passengers
	Ferry passengers
	Other (non-commercial passengers)
	Total passengers
Peak Day Passengers	Homeport cruise passengers
	Port of Call cruise passengers
	Ferry passengers
	Other passengers
	Total passengers
Cruise Port Facility Users	
Cruise Lines and Other Shipping Lines	Cruise lines
	Other Shipping Lines
	Other users

Capital Improvement Program	
The Capital Improvement Program (CIP) should outline the near-, intermediate-, and long-term projects planned to address the findings of the Facilities Condition Assessment (FCA) and any other planning studies (e.g. master plan) conducted by the Concession Company, and should be submitted to the Authority on an annual basis for their approval.	
Executive summary, introduction, and background	Description and summary of CIP contents.
Methodology	Summary of the methodology used to prioritize the capital improvements and identification of the studies or work done to identify the capital improvements.
Corrective action plan	For all facilities assessed within the FCA as fair, poor, or critical, a corrective action plan must be identified within the OP. The improvements recommended as part of the action plan should be prioritized, using the following categories:

	<p>Critical - capital improvements should be executed immediately or as soon as practical;</p> <p>High - capital improvements should be executed in the near-term;</p> <p>Low - capital improvements may be warranted in the near-term to realize operational efficiencies, but may be elective to some extent</p>
Near-term capital improvement project descriptions	Recommendations for planned capital improvements for the next five years with the greatest detail regarding projects to be completed in the first year of the CIP.
Cost estimates	Probable cost estimate for each of the planned capital improvements for all projects for the near- and intermediate-terms (0-10 years); including identification of probable funding sources. For the long-term, potential capital improvement projects (as they are identified) should be listed along with order of magnitude cost estimates.

Sustainability Report	
The Sustainability Report* shall document the Cruise Port Facility's environmental goals and achievements, and measure progress against environmental goals and historical performance.	
Introduction	This section should describe the Cruise Port Facility's sustainability policy and sustainability program.
Sustainability goals and achievements	Descriptions of the Cruise Port Facility goals and achievements, which may include, but are not limited to, the following categories:
Climate change	Goals and achievements related to reducing contributions to climate change.
Energy conservation	Goals and achievements related to reducing energy use - including use of renewable resources.
Water conservation	Goals and achievements related to reducing consumption of water resources.
Natural resources management	Goals and achievements related to the protection of natural habitats and midlife populations.
Solid waste reduction / recycling	Goals and achievements related to minimizing solid waste and recycling collected waste products.

Air quality	Goals and achievements related to the efforts to minimize emissions.
Hazardous materials	Goals and achievements related to the reduction of hazardous materials use by the Concession Company and tenants.
Historical performance	Comparison of current and historical sustainability achievements.
*The Sustainability Report may be included as a subsection of an Annual Report prepared by the Concession Company.	

Safety Report	
The Safety Report* shall document the Cruise Port Facility's safety performance on an annual basis.	
Introduction	Description of the Cruise Port Facility safety policy and historical performance.
Safety incidents	Identification of safety incidents relative to historical data.
Safety risks	Safety deficiencies to be corrected in the upcoming period.
Self-inspection summary	Results of self-inspection program conducted at minimum on a monthly basis.
*The Safety Report may be included as a subsection of an Annual Report prepared by the Concession Company.	

Security Assessment Report	
The Security Assessment Report* shall document the Cruise Port Facility's security performance on an annual basis.	
Introduction	Summary of the Cruise Port Facility Security Plan.
Security incidents	Summary of all security incidents occurring during the reporting period.
Proposed program changes	Identification of potential changes to the Cruise Port Facility Security Program to prevent or mitigate future incidents.
*The Security Assessment Report may be included as a subsection of an Annual Report prepared by the Concession Company.	

Emergency Report	
The Emergency Report* shall document the Cruise Port Facility's actual and simulated emergency response performance on an annual basis.	
Introduction	Summary of the Cruise Port Facility's Emergency Plan. This section should also include significant historical emergency incidents.
Emergency incidents	Emergency incidents occurring during the reporting period.
Training	Summary of emergency incidents, training, drills, and exercises performed during the reporting period.
Deficiencies	Deficiencies noted during emergency incidents, training, drills, and exercises.
Corrective measures	Correction of deficiencies noted, and emergency related projects to be undertaken during the next reporting period.
*The Emergency Report may be included as a subsection of an Annual Report prepared by the Concession Company.	

Level of Service Report	
A Level of Service Report* should be prepared annually and address the following functional areas and summarize the results of the customer service surveys and Cruise Lines and Other Shipping Lines surveys.	
Cruise Piers, including waterside berthing and mooring structures (piers and wharves)	Component
	Operational downtime
	Unscheduled pier / wharf closures
Cruise Pier Buildings including passenger terminals	Component
Cruise Port Facility access	Signage and way finding
	Ground transport alternatives availability
	Waiting time for taxis
	Terminal curb front congestion
Passenger ticketing and check-in	General appearance and cleanliness
	Customer service from terminals employees
	Wait times and congestion
	Overall ticketing lobby experience

	Signage and way finding
Passenger security screening	Customer service from security personnel
	Wait time and congestion
Embarkation area / hall	General appearance and cleanliness
	Visibility of boarding information
	Availability of seating
	Space available and passenger circulation
	Availability of concessions
Terminal concessions	General appearance and cleanliness
	Adequacy of food and beverage options
	Adequacy of retail options
	Adequacy of news and gift options
	Customer service by The Concession Company employees
Terminal restrooms	General appearance and cleanliness
	Adequacy pre-security and post-security
	Walking distance to restrooms (accessibility)
Disembarkation area / hall Baggage lay-down area	General appearance and cleanliness
	Information regarding baggage delivery
	Wait time for retrieval of baggage
	Space available and passenger circulation
	Way finding from gate to baggage lay-down area
	Way finding from baggage claim area to ground transportation
	Availability of concessions
*Report may be included as a subsection of an Annual Report prepared by the Concession Company.	

[End of this Schedule]