

Messages & Communications Doc. No. 38GL-26-3075 through 3081.

From 38th Committee On Rules <committeeonrules@guamlegislature.gov>
Date Tue 10/20/2026 4:36 PM
To Guam Legislature Clerks <clerks@guamlegislature.gov>
Cc Frank Blas Jr. <speakerblas@guamlegislature.gov>

6 attachments (16 MB)

102026COMM Doc. No. 38GL-26-3075.pdf; 102026COMM Doc. No. 38GL-26-3076.pdf; 102026COMM Doc. No. 38GL-26-3077.pdf; 102026COMM Doc. No. 38GL-26-3078.pdf; 102026COMM Doc. No. 38GL-26-3080.pdf; 102026COMM Doc. No. 38GL-26-3081.pdf;

Håfa Adai Clerks Office,

Please see attached, **Messages & Communications Doc. No. 38GL-26-3075 through 3081** for processing:

✓	38GL-26-3075	I Mina'trentai Ocho Na Liheslaturan Guåhan - 38th Guam Legislature	FY2026 Volunteers and Donations for Skinner Plaza, Plaza De España and Guam Congress Building*
✓	38GL-26-3076	Guam Ethics Commission	FY2026 4th Quarter Staffing Pattern*
✓	38GL-26-3077	Guam Ethics Commission	FY2026 4th Quarter Attendance Report for the period of July 2026 to September 2026*
✓	38GL-26-3078	Guam Ethics Commission	FY2026 4th Quarter Small Purchases Report ending September 30, 2026*
✓	38GL-26-3079	Guam Customs and Quarantine Agency	Agreement for the Implementation of Customs Information Technology System-Automated System for Customs Data (ASYCUDA).
✓	38GL-26-3080	Guam Ethics Commission	FY2026 4th Quarter Travel Report ending September 30, 2026*
✓	38GL-26-3081	Bureau of Budget and Management Research	Status of the Consolidated Revenue/Expenditure Report (CRER) and Special Revenue Fund Tracking Report for the period ending September 30, 2026*

Please retrieve Doc. No. 38GL-26-3079 from link below:

[Messages & Communications Physical Scanned Copy - Google Drive](#)

Kindly reply to this email.



Si Yu'os ma'åse',

Marie Crisostomo

Committee on Rules Assistant

COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson

I Mina'trentai Ocho Na Liheslaturan Guåhan

38th Guam Legislature

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Messages and Communications 38GL-26-3079.

2 messages

Speaker Frank Blas Jr. <speakerblas@guamlegislature.gov>

Tue, Oct 20, 2026 at 9:46 AM

To: 38th Committee On Rules <committeeonrules@guamlegislature.gov>, Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>

Håfa adai,

Please see attached M&C Doc. No. 38GL-26-3079

38GL-26-3079	Guam Customs and Quarantine Agency	Agreement for the Implementation of Customs Information Technology System-Automated System for Customs Data (ASYCUDA).
--------------	------------------------------------	--

*Si Yu'os Ma'åse'**Bernice Rivera*

Administrative Assistant

**Office of Speaker Frank F. Blas, Jr.**I Mina'trentai Ocho na Liheslaturan Guåhan 38th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagatña

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 **38GL-26-3079.pdf**
13928K**38th Committee On Rules** <committeeonrules@guamlegislature.gov>

Tue, Oct 20, 2026 at 3:46 PM

To: "Speaker Frank Blas Jr." <speakerblas@guamlegislature.gov>

Håfa Adai,

Received, and thank you.

*Si Yu'os ma'åse',*

Marie Crisostomo

Committee on Rules Assistant

COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson

*I Mina'trentai Ocho Na Liheslaturan Guåhan**38th Guam Legislature*

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CUSTOMS & QUARANTINE AGENCY, GUAM

Guam's First Line of Defense | Protecting Our Island, Our People, and Our Resources

Director's Office

Director of Customs – Ike Q. Peredo
Chief of Customs – Vincent S.N. Perez

Doc. Ref. No. COA-DIR-386-26

October 19, 2026

HONORABLE FRANK F. BLAS JR., SPEAKER

I Mina'trentai Ocho Na Liheslaturan Guåhan
163 Chalan Santo Papa
Hagåtña, Guam 96910

38GL-26-3079
OFFICE OF THE SPEAKER
FRANK F. BLAS JR.

OCT 19 2026

Time: 3:10pm
Received: neej

Re: Requirements of Public Law 38-109, §73157 Implementation of Customs Information Technology System - ASYCUDA

Hafa Adai Speaker Blas,

The Guam Customs & Quarantine Agency formally notifies *I Liheslaturan* that the Government of Guam has entered into a contract agreement with the United Nations Conference on Trade and Development to deploy the Automated System for Customs Data (ASYCUDA) customs management system, pursuant to Public Law 38-109.

In accordance with Section 2, § 73157(d)(3) of Public Law 38-109, copies of the executed agreement and the required written determination are hereby transmitted.

Should you have any questions or require additional information regarding these documents, please do not hesitate to contact me at (671) 475-6220 or via email at ike.peredo@cqa.guam.gov.

Regards,


Ike Q. Peredo
Director of CQA



38GL-26-3079
Messages and Communications

RECEIVED
COMMITTEE ON RULES
October 20, 2026

9:46 a.m.

Marie Crisostomo

Attachments:

1. Guam Customs & Quarantine Agency and UNCTAD for the deployment of ASYCUDA agreement.
2. Written Determination to the Governor of Guam - ASYCUDA

Cc: Honorable Jesse A. Lujan, Senator
Chairperson, Committee on Transportation, Tourism, Customs, Utilities,
and Federal and Foreign Affairs

Mailing Address: 770 East Sunset Boulevard, Suite 240, Tiyan, Guam 96913
Executive Office: 770 East Sunset Boulevard, Suite 250, Guam Integrated Air Cargo Facility, Tiyan, Guam 96913
(671) 475-6202 | (671) 475-6227 Fax | www.cqa.guam.gov



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Director's Office

Director of Customs – Ike Q. Peredo
Chief of Customs – Vincent S.N. Perez

Honorable Lourdes A. Leon Guerrero
Governor of Guam

OFFICE OF THE SPEAKER
FRANK F. BLAS JR.

OCT 19 2026

Re: Written Determination - ASYCUDA

Time: 3:10pm
Received: M. Oley

Buenas yan Håfa Adai, Governor,

Transmitted for your consideration is the written determination prepared by the Guam Customs & Quarantine Agency (CQA), which identifies the United Nations Conference on Trade and Development (UNCTAD) as the exclusive proprietor and provider of the Automated System for Customs Data (ASYCUDA).

Pursuant to Public Law 38-109, formal approval is required to authorize CQA and the Government of Guam to enter into agreements with UNCTAD to discuss the the necessary services, software configurations, and technical requirements to implement ASYCUDA, enabling the automation and modernization of Guam's border facilitation and customs processing systems.

Your approval will allow CQA to proceed with this critical initiative to enhance efficiency, transparency, and compliance in our customs operations.

Should you require any additional information or wish to discuss this determination further, I remain available at your convenience.

Respectfully,


Ignacio Q. Peredo
Director, CQA

OFFICE OF THE GOVERNOR
GOVERNOR'S CHAMBER



DATE: 5-28-26

TIME: 10:44a

RECEIVED BY: DB
GC2026-05121

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Director's Office

Director of Customs – Ike Q. Peredo
Chief of Customs – Vincent S.N. Perez

May 27, 2026

WRITTEN DETERMINATION

RE: Pursuant to Guam Public Law 38-109, §73157(d)(1)(A) and (B) – Procurement of ASYCUDA System from UNCTAD

Pursuant to the requirements of Guam Public Law 38-109, adding §73157(d)(1)(A) and (B), this letter serves as the formal written determination regarding the procurement of the Automated System for Customs Data (ASYCUDA).

After careful review and due diligence, it is hereby determined that:

1. The ASYCUDA system is a proprietary customs management platform developed, maintained, and distributed exclusively by the United Nations Conference on Trade and Development (UNCTAD). UNCTAD retains full ownership of the system's intellectual property, including its source code, architecture, and ongoing development framework. No other vendor is authorized or capable of providing the authentic ASYCUDA system or its official updates, modules, and support services.
2. Compatibility and Continuity Determination (Subsection B):
The Government of Guam's operational requirements for customs modernization necessitate a system that ensures full compatibility with internationally recognized customs standards and existing ASYCUDA implementations and expertises of the UNCTAD staff. This exemption granted under this subsection of law is only for ASYCUDA and its directly associated modules, services, hardware, and support provided by the UNCTAD

Based on the foregoing findings, it is determined that procurement of the ASYCUDA system must be conducted directly with UNCTAD in order to meet the Government of Guam's operational, technical, and legal requirements.

This determination is made in good faith and in full compliance with the applicable provisions of Guam Public Law 38-109.


Ike Q. Peredo
Director of CQA

Mailing Address: 770 East Sunset Boulevard, Suite 240, Tiyan, Guam 96913
Executive Office: 770 East Sunset Boulevard, Suite 250, Guam Integrated Air Cargo Facility, Tiyan, Guam 96913
(671) 475-6202 | (671) 475-6227 Fax | www.cqa.guam.gov

Approved by:



Honorable Lourdes A. Leon Guerrero
Governor of Guam

CC: Attachment

1. *ASYCUDA Intellectual Property/Copyright : Office of Secretary - General of UNCTAD*

To whom it may concern

ASYCUDA INTELLECTUAL PROPERTY/COPYRIGHT

This is to confirm that the United Nations Conference on Trade and Development (UNCTAD) was established in 1964, as a subsidiary organ of the United Nations General Assembly dealing with trade, investment and development issues.

Its mandate, which was renewed during UNCTAD16, is detailed in the Geneva Consensus document. UNCTAD's main technical co-operation activities are in the customs and information technology sectors and involve ASYCUDA (Automated System for Customs Data) which is developed to assist governments with the reform and modernization of their customs management and services through digitalization. The ASYCUDA system is currently installed in over 100 countries and territories.

The ASYCUDA software, including all e-documents/modules, the functional and technical documentation, and the training materials are the intellectual property of UNCTAD. UNCTAD is the exclusive owner of the ASYCUDA system copyright and the only organization providing ASYCUDA technical assistance and support services.

The official address of UNCTAD is Palais des Nations, Rue de la Paix 8-14, 1211 Geneva 10, Switzerland.

All administrative arrangements, signing of agreements, etc., are handled through the office of Mr. Vinod Nair, Chief of UNCTAD Projects Services and Management Section, and Mr. Renaud Massenet, ASYCUDA Program Coordinator, responsible for the management of the ASYCUDA Program.

Geneva, 15 December 2025



Andra Nicoara
Senior Legal Adviser
Office of the Secretary-General of UNCTAD



DELEGATION OF AUTHORITY

Date: 16 September 2026

Re: Guam Customs and Quarantine Agency and UNCTAD for the deployment of ASYCUDA

I, the undersigned, *Vinod Nair*, in my delegated capacity as Officer-In-Charge, Programme Support and Management Service of the United Nations Trade and Development (UNCTAD) hereby authorize *Mr. Jayvee Santos, ASYCUDA Regional Coordinator for Asia & Pacific*, to sign in the name and on behalf of UNCTAD, this specific *Project on Guam Customs and Quarantine Agency and UNCTAD for the deployment of ASYCUDA*.

Any financial arrangements will be subject of a specific contribution agreement in due course.

Vinod Nair



Chief,



Budget and Project Finance Section

UNCTAD



DELEGATION OF AUTHORITY

Date: 16 September 2026

Re: Guam Customs and Quarantine Agency and UNCTAD for the deployment of ASYCUDA

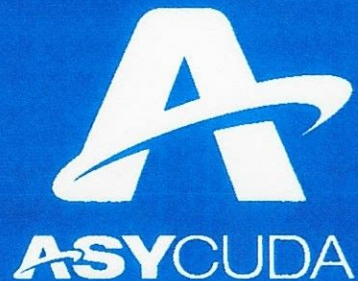
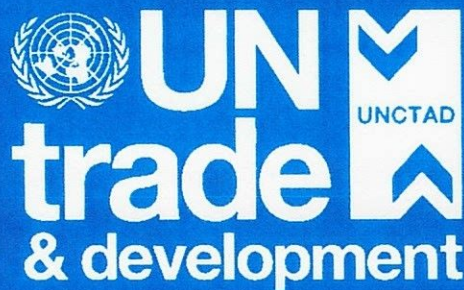
I, the undersigned, *Vinod Nair*, in my delegated capacity as Officer-In-Charge, Programme Support and Management Service of the United Nations Trade and Development (UNCTAD) hereby authorize *Mr. Jayvee Santos, ASYCUDA Regional Coordinator for Asia & Pacific*, to sign in the name and on behalf of UNCTAD, this specific *Project on Guam Customs and Quarantine Agency and UNCTAD for the deployment of ASYCUDA*.

Any financial arrangements will be subject of a specific contribution agreement in due course.

Vinod Nair

Chief, 

Budget and Project Finance Section
UNCTAD



Guam Customs and Quarantine Agency and UNCTAD for the deployment of **ASYCUDA**

October 2026 to September 2028

PROJECT OF THE GOVERNMENT OF GUAM Guam Customs and Quarantine Agency

Number and title	GUM/OT/QAH - Computerization of Customs Procedures and Data and Deployment of ASYCUDA New Generation
Duration	24 months
Governmental sector	General Administration
Sub-sector	Customs and Foreign Trade
Govt. Implem. Agency	Guam Customs and Quarantine Agency
Executing agency	UNCTAD
Starting date	Oct 2026
Project budget	USD1,978,827 (excluding Contingency)

ACRONYMS

ASYCUDA	Automated System for Customs Data
CQA	Customs and Quarantine Agency
CRMC	Customs Reform and Modernization Committee
ICT	Information and Communication Technology
JSON	JavaScript Object Notation
NPM	National Project Manager
NPT	National Project Team
OCO	Oceania Customs Organization
SOP	Standard operating procedures
SW	Single Window
UNCTAD	United Nations Conference on Trade and Development

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SUMMARY

The overall aim of this project is to provide the Government of Guam with a modern, secure, and sustainable customs data management system based on proven open-source technologies. The project will support the implementation of best practices in trade facilitation, in line with the standards and recommendations of international bodies, such as the WCO, WTO, and UN. The implementation of ASYCUDA is expected to contribute to improve government finances and broader economic strengthening through enhanced trade facilitation, modernization of customs procedures, and a significant reduction in bureaucratic complexity.

The immediate objectives of the project are to increase the efficiency in the customs clearance processes, strengthen revenue control mechanisms, deploy the ASYCUDA New Generation computerized system and minimize the administrative burden on the trading community.

FOR AND ON BEHALF OF

THE GOVERNMENT OF GUAM

By 
Governor of Guam

By 
Director, Customs and Quarantine Agency

Date 9/18/2020

Date 9/18/20



UNITED NATIONS CONFERENCE ON
TRADE AND DEVELOPMENT - UNCTAD (UN AGENCY)

By 
Authorized Representative

Date 9/18/2020

1. THE PROJECT

1.1 Background

- 1.1.1 The Government of Guam aims to modernize the Customs, Statistics and Commerce elements of its foreign trade infrastructure to a level consistent with the requirements of modern and rapidly expanding economies. Existing outdated procedures are constraining trade liberalization efforts and hindering Guam's effective integration into regional and global trade systems. These inefficiencies have also contributed to revenue losses, partly due to late or non-payment of duties and taxes. Furthermore, trade statistics are produced with significant delays and may lack reliability, thereby weakening macroeconomic planning and management.
- 1.1.2 The Customs agency is a central pillar in the Government's broader agenda for economic and administrative reform within the trade sector. The Government's immediate objective is to enhance efficiency in customs clearance and statistical operations through the modernization and streamlining of customs procedures alongside the strengthening of automated processes and ICT infrastructure. This requires the introduction of a new automated platform that is fully aligned with international standards and best practices.
- 1.1.3 Beyond revenue collection, the Guam Customs and Quarantine Agency (CQA) places paramount importance on border security to protect the community from external threats. These include the importation of illicit narcotics; the introduction of invasive pests and diseases affecting Guam's flora and fauna; and the introduction and spread of quarantine and communicable diseases. To support this mandate, CQA employs modern enforcement tools, such as container scanners, mobile scanners, and canine units.
- 1.1.4 Despite the use of modern tools in certain operational areas, the goods clearance process remains fully manual. Cargo manifests and waybills are submitted in hard copy form, and customs brokers are not legislated to submit customs declarations, resulting in goods being cleared based solely on waybills, permits, and supporting entry documents. Trade data are compiled manually through keying into the Bureau of Statistics and Plans (BSP) database. Currently, goods are recorded using text descriptions only, without utilizing internationally recognized coding systems. The Harmonized System (HS) for goods classification is not applied, limiting data quality and preventing effective data exchange with other island states and regional or international organizations.
- 1.1.5 On the margins of the 19th and 21st Oceania Customs Organization (OCO) Annual Conferences in Guam and Saipan, respectively, Guam CQA management and UNCTAD held discussions regarding the suitability of ASYCUDA to meet CQA's automation requirements. Subsequently, a formal request for technical assistance was submitted by CQA to UNCTAD in July 2021. An official no-objection response from the United States Permanent Mission to the United Nations was received on 8 October 2021, authorizing engagement with Guam authorities on UNCTAD's customs reform and automation platform.

- 1.1.6 In 2022, CQA initiated a Modernization Project, with support from OCO, to develop a long-term strategic plan aimed at strengthening Guam's economy, improving customer service, and enhancing trade competitiveness. Furthermore, Goals and Objectives 1.d of the CQA Budget Certification for fiscal year 2023 calls for the modernization and automation of "all of CQA's border & control operations, threat & risk assessment liabilities, administrative processing, financial accountability & management and resource & sustainability management."
- 1.1.7 UNCTAD has recently developed a new generation of ASYCUDA's customs management software that benefits from the latest leading-edge technologies and the availability of open-source products.
- 1.1.8 Considering that the Customs and Quarantine Agency is implementing the WCO recommendations as contained in the Revised Kyoto Convention, SAFE Framework of Standards to Secure and Facilitate Global Trade and other international instruments;
- 1.1.9 Considering that CQA is seeking to provide services online and exchange data with the private sector, other government departments and other Customs organizations;
- 1.1.10 Considering that the customs clearance processes and the trade environment have evolved over the years, necessitating the adoption of modern, automated solutions;
- 1.1.11 CQA is seeking UNCTAD's assistance to implement ASYCUDA in response to findings identified under the Modernization Project Automation Assessment component as part of the ongoing reform and restructuring in CQA to increase the efficiency of the customs cargo clearance, minimize the risk of fraud, maximize revenue receipts, and facilitate trade;
- 1.1.12 The project is scheduled to commence on 1 October 2026 and continue for a period of 24 months;
- 1.1.13 This project forms part of the technical proposal submitted to the Government of Guam for the deployment of ASYCUDA to address CQA's operational requirements. The project is expected to contribute to supporting the reform of Customs and Quarantine Agency and implementing the recommendations for customs operations increased efficiency and trade facilitation.
- 1.1.14 Within the framework of this project, UNCTAD provides access to the ASYCUDA software and the associated documentation and training materials that are UNCTAD intellectual property. As such the ASYCUDA software and its associated documentation cannot be used for purposes unrelated to this project, nor provided to a third party without the prior and explicit written approval of UNCTAD.

1.2 Objectives

- 1.2.1. The overall aim of this project is to provide the Government of Guam with a modern, secure, and sustainable customs data management system based on proven open-source technologies. The project will support the implementation of best practices in trade facilitation, in line with the standards and recommendations of international bodies, such as the WCO, WTO, and UN. The implementation of ASYCUDA is expected to contribute to improve government finances and broader economic strengthening through enhanced trade facilitation, modernization of customs procedures, and a significant reduction in bureaucratic complexity.
- 1.2.2. The immediate objectives of the project are to increase the efficiency in the customs clearance processes, strengthen revenue control mechanisms, deploy the latest ASYCUDA computerized system and minimize the administrative burden on the trading community.

Specific Objectives:

- 1.2.3. Review of the CQA existing processes with the view to improving their efficiency and effectiveness in light of the changing trade environment.
- 1.2.4. Deployment of infrastructure for ASYCUDA knowledge transfer to the National Project Team.
- 1.2.5. Provide ASYCUDA expertise to National Project Team.
- 1.2.6. Deployment of ASYCUDA.

1.3 Rationale

- 1.3.1. This project involves the strengthening of existing automated processes through harmonization of the automated clearance processes in all Customs offices, adherence to the agreed practice and procedures, automation of some processes that are not yet automated, and deployment of ASYCUDA new generation functionalities. These improvements should be made prior to the deployment of the ASYCUDA new generation of software so as to maximizing the benefits CQA would reap from the new technology and features ASYCUDA will introduce.
- 1.3.2. The Automated SYstem for CUsoms DAta is developed by UNCTAD. It takes advantage of the significant progress made in the field of ICT to provide improved automated support to the evolving requirements of both the trading community and customs administrations.
- 1.3.3. The availability of the ASYCUDA module source codes and object-oriented design allows user countries to easily adapt existing standard modules to national requirements. This technology provided by ASYCUDA will allow user countries to rapidly develop modules for

non-automated agencies and to integrate existing systems beyond Customs in a comprehensive tax and revenue system.

- 1.3.4. ASYCUDA's underlying open-source technology and extensive use of international standards such as JSON makes it ideally suited for a deployment in an environment where EDI and electronic interfacing with other ICT systems is required.

Other benefits include:

Benefits to CQA/Customs Offices:

- Transparency and control of all software components and advanced data protection;
- More cost-effective maintenance of the customs system;
- Opportunity to streamline and improve existing customs process;
- Electronic interfacing through JSON (with systems from private and public sectors);
- Integration/upgrade of existing systems in a common platform;
- A built-in secure communication system for customs staff;
- An efficient solution for managing user access and access rights;

Benefits to government:

- Contribution and support towards implementation of the WCO recommendations contained in the Revised Kyoto Convention, SAFE framework and other international instruments;
- Single Window concept support;
- Smooth integration into a Coordinated Border Management platform;
- Agility when responding to changes in fiscal policies, regulatory framework, or supply chain dynamics;
- Open-source architecture offers greater value by substantially reducing costs and eliminating reliance on third-party commercial software

Benefits to the trading Community (Imports, Exporters and Shipping Agents):

- Easier web-based access with a responsive design and more user-friendly interface optimized for both mobile devices and desktop/laptop computers;
- Improved connectivity and integration through JSON data structures;
- Enhanced security and flexibility for the lodgment/tracing of customs declarations;
- Increased transparency through digitalized authorizations, decisions and regulations;
- Increased trade facilitation features;
- Built-in processes for private/government partnerships (authorizations for economic customs procedures and advanced decisions);
- Improved user-friendliness;

Additionally, the implementation of the ASYCUDA system and its different modules contributes to achieving some of the Sustainable Development Goals (SDG), such as Goal 9.1 (by improving regional and trans-border infrastructure), and Goal 17.1 (by improving domestic resource mobilization and tax capacity), thus assisting user countries in the economic planning of their governments' finances through revenue collection, trade statistics and the reduction of corruption (minimizing diversion of country resources). The automation of customs taxes and duties calculation and collection (SDG 17) contributes directly to economic growth (SDG 8 - Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all).

1.4 Project Description

1.4.1. The deployment of a modern computerized system into the upgraded customs clearance process will significantly accelerate clearance of cargo, enhance revenue management, and strengthen internal controls, while providing timely, accurate, and comprehensive data on trade in goods. Integrated with a complementary program of trade facilitation and administrative and legal reforms, the new computerized system will serve as the cornerstone of the broader initiative to improve the operational efficiency and overall performance of the Customs and Quarantine Agency.

1.4.2. The project also aims to:

- identify impediments to international trade and prepare distinct proposals to facilitate imports and exports through streamlining and simplification of customs and trade procedures, information flows and documentation, complementary to the ASYCUDA system;
- improve the efficiency and effectiveness of Customs operations;
- provide the Government with timely and accurate information necessary to support the formulation and conduct of macro-economic and fiscal policy; and
- provide other Users (e.g. Central Bank, Statistics, Department of Trade/Commerce) with information with which to monitor and control trade, and the Customs Department with management information on trade and on individual traders.

1.4.3. To achieve these objectives and results, the key outputs of the project are:

- Appointment of a full-time National Project Team (NPT) and National Project Manager (NPM) with the required skills and experience to drive the project;
- Recruitment of UNCTAD project team (international staff) with the required customs expertise and IT skills;
- Close coordination between the NPM and other on-going projects or initiative affecting customs and trade;
- Identify and disseminate data requirements to end-users;

- Complete review of the national customs procedures. Proposals for introduction of rationalized and simplified import and export procedures in Customs and other governmental institutions, such as Departments of Finance, Commerce and industry, Agriculture and Health. Modernization of the public sector will have cost-saving impact on the trading community;
 - Deliver core technical training modules to build and install ASYCUDA to the NPT thereby creating an in-country capacity to maintain and further develop the computerized system;
 - Develop user training modules and deliver train-the-trainer sessions to NPT staff;
 - ASYCUDA Customs system is installed and deployed in a test environment, UAT-tested, and finalized;
 - ASYCUDA Customs system is deployed to production environment.
- 1.4.4 The software selected for the basis of the computerised system is UNCTAD's latest version of the ASYCUDA New Generation, adapted and configured to the special needs of the Guam Customs and Quarantine Agency.
- 1.4.5 The ASYCUDA system will be deployed on the production infrastructure designated by the Government of Guam that may consist of cloud-based infrastructure, on-premises government infrastructure, or other mutually agreed hosting arrangements. During project implementation, UNCTAD will utilize ASYCUDA regional infrastructure for development, testing, and prototyping activities prior to migration to the designated production environment.

1.5 Links to other projects stakeholders and interventions

- 1.5.1 The implementation of the ASYCUDA New Generation is of high importance to Guam. It shall contribute to and provide support towards the government's modernization initiative.
- 1.5.2 The project will complement the future strategic directions of the Department for the possibility of an appropriate level of interfacing between the Customs and other systems.
- 1.5.3 The project shall work in close coordination with other national and regional customs and trade related initiatives. Should it be required, and requested by the Customs and Quarantine Agency, the project will also work closely with other organizations providing technical services to Customs and Quarantine Agency.

1.6 Scope of services

UNCTAD has considerable experience in implementing the web-based ASYCUDA system in a number of countries and territories throughout the world and in very different working

environments. This experience shows that senior management and staff commitment to reform is of utmost importance to successful implementation.

Project mobilization activities shall be undertaken in the early stages of the project to that end. This should lead to an understanding among all involved, of the need for simplified and streamlined Customs procedures, and the specific supporting role of ASYCUDA within this context. The objectives of the Project Mobilization activities include:

- To provide senior policy and decision makers, together with other key staff (principally the Project Implementation Team) and representatives of the trading community with an awareness of how other Customs Administrations have achieved national objectives in the areas of fiscal management, trade facilitation and community protection;
- To advise on the changes to established procedures and habits necessary to maximize the benefits of ASYCUDA;
- To create an awareness of the functionalities, managerial output and technical configuration of ASYCUDA;
- To discuss the implementation strategy; and
- To ensure transparency and mutual commitment to the project by all associated parties.

A detailed workplan will be developed as part of the first activity of the project, i.e., Inception mission. Please refer to ANNEX D.

For the proposed 24 months duration the project will provide CQA with the following:

1.6.1 Review of existing customs clearance process

The process of deploying ASYCUDA will be accompanied by a comprehensive review of the prevailing customs procedures and documentation starting during the first phase of the project. This will involve substantial interaction with, and training of, the trading community to ensure maximum efficiency and promote the Government's priority policy in terms of liberalization of the trading process.

Outputs:

- Existing customs processes reviewed and recommendations provided and adopted uniformly in all Customs offices;
- Manifest process reviewed and strengthened;
 - Legislation covering all areas of electronic customs clearance processing to be deployed, including responsibilities and liabilities of stakeholders, system access and security and discontinuation of paper documents (where applicable), implemented;
 - Stakeholders in each step of the process identified and relevant business units defined;
 - National configuration, individual office configuration (where applicable) and data format defined;

- Manifest and customs declaration data field input and business rule configuration defined;
- Non-standard business rules identified and developed (where applicable);
- Reference data defined and aligned with international standards and ASYCUDA format;
- Tariff table and taxation rules updated and aligned with ASYCUDA;
- National IT team trained on Java programming language;
- Customs management trained on all ASYCUDA functionality for better appreciation and more informed decision on functionality to deploy;
- Disaster recovery and business continuity plan established;
- **Electronic Manifest Data**
 - Required manifest data fields by Customs defined and captured;
 - Transport companies (shipping lines, airlines) and consolidators (freight forwarders) systems for extraction of manifest data and generation in JSON format exist to avoid redundant encoding process and Customs intervention;
 - Manifest for all import cargo, irrespective of mode of transport, accepted and processed;
 - Agreement with transport companies and consolidators on data submission process signed;
 - Direct processing of manifest data in JSON format available;
 - Client functionality for manual capture of manifest data by non-automated stakeholders available;
 - Manifest client functionality for Customs to allow registration, amendment, cancellation, and screening of submitted electronic manifest deployed;
 - Procedures to monitor and account for cleared, outstanding and transshipped cargo implemented;
 - Documentation and user guides for manifest procedure prepared;
 - Additional management and statistical reports implemented, as required;
- **Direct Trader Input**
 - Web server set up and operational at Customs HQ to allow access to ASYCUDA server through internet
 - Minimum workstation and internet bandwidth requirement for traders / brokers defined
 - Usernames created and business units defined for accredited and trained users / traders / brokers
 - Documentation and user guides for capturing all types of customs declarations prepared;
 - Common user errors and misuse identified and addressed;
 - Customs helpdesk / hotline for client assistance established;
- **Customs Declaration**
 - Customs clearance processes reviewed and recommendations provided on simplification and adherence to international standards and best practice;

- Simplified clearance process documented and implemented;
- Customs officers trained on simplified clearance process;
- Instances of outstanding / hanging declarations identified and reviewed and reasons addressed;
- Documentation and user guides prepared;
- Customs helpdesk / hotline for client assistance established
- Additional management and statistical reports implemented, as required;
- **Selectivity/ Risk Management**
 - Customs and Quarantine Risk Management Framework developed, strengthened, and deployed utilizing ASYCUDA Selectivity, Intelligence, Agriculture Quarantine Risk Assessment, Narcotics Interdiction Indicator, Revenue Risk Indicators, and Automated Risk Profiling
 - Trader self-assessment practice implemented in conjunction with strengthening of risk management and selectivity for greater facilitation;
 - Current risk policies reviewed for their validity and relevance;
 - New risk profiles developed to target high risk consignments efficiently and effectively;
 - Value-based risk profiles integrated in ASYCUDA using Valuation Module;
 - Automatic assignment of examiners and sections implemented;
 - Relevant fraud codes identified and configured;
 - Customs examiners trained on capturing examination results on Inspection Act;
 - Real-time risk intelligence capability developed utilizing manifests, permits, declarations, inspection results, and enforcement data
 - Documentation and user guides on risk management and selectivity prepared;
 - Additional management reports implemented, as required;
- **Accounting and Payments**
 - Centralized revenue management capability supporting customs duties, service charges, permit fees, fines, penalties, and electronic reconciliation created
 - Procedures to record all payments accepted by Customs implemented;
 - Miscellaneous / other payments reviewed for proper categorization and use minimized to non-declaration-related payments;
 - Prepayment and credit account facilities reviewed and implemented, where applicable, to facilitate and expedite cargo clearance process;
 - Procedure to accept electronic payments through authorized bank(s) defined and implemented;
 - Transmission of electronic payment message in JSON format between Customs and bank(s) established;
 - Documentation and user guides on available payment options prepared;

- Additional management and statistical reports implemented, as required;
- Goods Release / Exit Note
 - Procedure to issue Release Order / Exit Note as requirement for cargo release defined and implemented;
 - Workstations installed and personnel deployed at all Customs-controlled exit points for verification and acknowledgement of Exit Note;
 - Customs gate officers trained on Exit Note processing;
 - Documentation and user guides prepared;
 - Additional cargo management and inventory reports implemented, as required;
- Reports / Statistics
 - Backup / statistics server installed, configured and restored with most recent backup for data extraction and reports generation;
 - Existing management and statistics reports reviewed and required regular reports defined;
 - Development of new reports, as required;
 - Authorized users for each report identified and relevant business unit assigned;
 - System dashboard configured based on management requirements;
 - National team trained on development of additional reports in ASYCUDA;
- Single Window
 - Customs data requirements defined;
 - Data exchange mechanism with other government agencies (OGAs) documented;
- Disaster recovery and business continuity plan prepared and tested :
 - Disaster recovery and business continuity plan that ensures minimum downtime of the automated procedures & continuation of business prepared;
 - Documentation and user guides for the implementation and the recovery operations prepared;
 - Test system set up and testing conducted to verify the relevance and accuracy of the documentations and guidelines;
 - Training plans for the training of all parties involved prepared;
Required training delivered;
 - Disaster recovery plan validated;
- ASYCUDA prototype prepared and tested;
- ASYCUDA deployment strategy and detailed plan finalized;

1.6.2 Capacity building of National Project Team

The success of this project implementation and the ability of the Customs Administration to continue to maintain the system without external support will only be achieved through the appointment of a dedicated, full-time Project Manager and NPT, and supplemented by the provision of a comprehensive training program.

Outputs:

- Detailed Training plan established;
- National Project Team trained;
 - Training on ASYCUDA functionalities;
 - Training on ASYCUDA technical features;
- Training material for user training prepared according to SOPs;

1.6.3 Phased deployment of ASYCUDA at nominated Customs offices

The deployment of a comprehensive automated customs system such as ASYCUDA, covering among other functionalities cargo manifest, declaration processing, Integrated Tariff, Bond/Warehouse, Transit, Payment, Selectivity/Valuation, stands a better chance of success if it is executed in a planned and phased manner. This allows for adjustments, as required, between each phase so as to maximizing the chance of success in each phase and minimizing the risk that the developed capacity is spread too thinly at any given time. This in turn improves the sustainability of the project outputs.

Outputs:

- ASYCUDA software, including its source code to configure the system to suit local requirements, delivered to the Customs and Quarantine Agency;
- Detailed deployment plan prepared;
- ASYCUDA installed and configured in CQA HQ;
- Detailed Training plan established;
- Customs and other users trained;
 - Training plan delivered;
 - User Guides prepared and provided;
- ASYCUDA prototype introduced in pilot site;
- Review and adjustment, as required, of ASYCUDA prototype in pilot site completed;

1.6.4 System integration with third party systems

Due to the very nature of customs work any customs automated systems should provide the required technological platform to communicate and exchange data electronically with systems used in both the public and private sectors. International standards and instruments, such as the Harmonized System of Classification (HS), the WCO Data Model, the WCO SAFE Framework, are natively supported in ASYCUDA to provide the required compatibility with other systems dealing with trade related data. The underlying technology of ASYCUDA uses ICT standards such as JSON to provide the required level of openness to other ICT systems. Work shall be undertaken during the project to prepare the interfacing with other existing ICT systems.

Outputs:

- ICT environment assessment in relevant public and private organization working with Customs undertaken and recommendations for interfacing provided;
- Training and assistance provided to NPT and IT staff of CQA on analysis and documentation of requirements for the integration of third-party systems, e.g., Quarantine, airport/port authorities, immigration, cargo manifest functionalities, banks, statistics department, internal revenue systems, etc., with ASYCUDA;
- Data exchange interface with third-party systems, where applicable, developed

1.7 Financial Requirements

- 1.7.1. This 24-month agreement will cover the delivery of the services detailed under section 1.6 and include the direct recruitment of all project staff and delivery of all UNCTAD's inputs. This Agreement will require the funds detailed in ANNEX A.
- 1.7.2. Estimated contingency funds for an extension of the project for an additional 6 months could be provided upon request. Corresponding funding would need to be arranged separately, and approved by the Project Steering Committee, should an extension be needed.

1.8 Risk factors

1.8.1. While the project addresses a set of issues of vital importance to the future of customs clearance and operations in Guam CQA, it also touches on a number of aspects of a highly sensitive nature. Among the risks that might affect the achievement of its objectives, the most important ones are:

Risks	Likelihood	Examples of mitigating measures
Inadequate project management structure;	Medium	• Clear definition of responsibilities • Unique arbitration structure
Absence or underestimation of resources needed for the project;	Medium	• Inception mission • Detailed planning
Underestimation of the efforts required to make the necessary and mandatory legal and regulatory changes;	Medium	• Mission initial Planning • Activity/Progress report (s)
Lack of coordination and involvement of key stakeholders;	Medium	• Establishment of the Steering Committee of the project • Appointment of focal points • Mobilization Seminar • All the project team gathered in a dedicated project office
Resistance to change by stakeholders;	Low	• Consultations & Orientation seminar (s) • Publication of Newsletters
Inadequate training of technicians and customs users;	Low	• Training plan and documentation • Survey (s) among users

However, UNCTAD experience in the reform and computerization of customs administrations should contribute to reducing/mitigating these risks, and the lessons learned from previous similar projects shall be considered when identifying actual risks during the Inception Mission for the project.

2. IMPLEMENTATION ARRANGEMENTS

2.1 Duration

- 2.1.1. All activities will commence on 12 October 2026 and complete by 30 September 2028. A detailed project plan will be provided within the first month upon project commencement for agreement between the CQA and UNCTAD.

2.2 Capacity requirements

- 2.2.1. For this agreement the project will require the provision of a Project Manager:

<u>Position</u>	<u>Man-month</u>	<u>Provided by</u>
Project Manager	24	Appointed by CQA

- 2.2.2. The Project Manager will be assisted by

<u>Position</u>	<u>Man-month</u>	<u>Provided by</u>
Regional Coordinator	8	Recruited by UNCTAD
Customs Expert	12	Recruited by UNCTAD
ASYCUDA Expert	24	Recruited by UNCTAD
Trainer	6	Recruited by UNCTAD
Analyst/Programmer	18	Recruited by UNCTAD

- 2.2.3. The following staff positions of the ASYCUDA National Project Team will be required on a full-time basis:

<u>Position</u>	<u>Man-month</u>	<u>Provided by</u>
Tariff Specialist	24	Appointed by CQA
Procedure Specialist	24	Appointed by CQA
Automation/Trainer Specialist	24	Appointed by CQA
National Project Team Staff	24	Appointed by CQA

Note: Redundancy of expertise should be available within the NPT to mitigate occasional absence of some the team members, e.g., sickness leave. This core national project team will be established for the full duration of the project to carry out the project's activities. This team should eventually form the core of the Modernization and Automation division staff in the department.

2.3 Project reporting

2.3.1. The Project will be subject to continuous monitoring and evaluation during the course of its implementation, wherein the Project Manager and UNCTAD will prepare the following:

- Inception report
- Quarterly progress reports
- One month prior to the end of the project a draft final/terminal report, for evaluation and technical clearance by CQA and UNCTAD, shall be drafted in preparation for the terminal review meeting.

2.3.2. Furthermore, a Terminal Review Meeting involving CQA and UNCTAD shall be held towards the end of the project.

2.4 Responsibilities of the Government

2.4.1. The Customs and Quarantine Agency will provide:

- A National Project Manager (see section 2.2.1)
- A full-time Project Team, to consist of at least five persons (see section 2.2.3)
- Suitable physical accommodation:
 - For the project team and UNCTAD experts in Customs HQ
 - At the computerized declaration processing sites, including training facilities
- In-country transport for the NPT to carry out the project related activities;
- Communication facilities, including internet access, required for the execution of the project;
- **ICT equipment and training equipment**, in accordance with the recommendation of the project team following a detailed assessment. This shall include IT equipment, network infrastructure, and the selected operating system (OS), relational database management system (RDBMS), middleware and any other required commercial software.

2.5 Responsibilities of UNCTAD

2.5.1. UNCTAD through funding provided by the Government of Guam will provide:

- Customs expert
- ASYCUDA expert
- Coordination / Regional Support
- Trainer

- Analyst Programmer
- Official Travel (travel and subsistence for UNCTAD experts)
- ASYCUDA Functional training
- ASYCUDA Technical & Development trainings
- Mobilization seminar
- Computer Equipment for NPT and experts
- Miscellaneous/Sundry Expenses

Note 1: Within the framework of this project UNCTAD provides access to the ASYCUDA software and the associated documentation and training materials that are UNCTAD's intellectual property. Rules and regulations regarding their use as well as possible use of derivative works developed by the project are described in ANNEX F which is an integral part of the present project document.

Note 2: The ASYCUDA software and its documentation is protected. It is and remains UNCTAD's property. Its installation can only be done within an ASYCUDA technical assistance project framework. The number of sites that can be computerized with ASYCUDA inside the country is not limited.

2.6 Accounting & financial reporting arrangements

- 2.6.1. Requirements as specified in Section 2.4 and 2.5 of this project implementation plan are those necessary to successfully complete the project on time.
- 2.6.2. Items in 2.4 will be contributed by CQA. Items in 2.5 will be provided by UNCTAD through funding provided by the Government.
- 2.6.3. The contribution will be deposited by the Government of Guam into a technical cooperation trust fund ledger account for UNCTAD. UNCTAD will administer the funds in accordance with the Financial Regulations and Rules of the United Nations, related administrative instructions and procedures. A summary of applicable rules and procedures is available in the ANNEX F.
- 2.6.4. Upon signing of this project document by both parties, the first instalment corresponding to the "Grand Total" amount for the Prototype/Reform phase in ANNEX A, will be transferred to the UNCTAD bank account detailed below, to initiate the start of the project. The payment of the remaining amount representing the Pilot/Rollout phase will be made 12 months after the start of the project.
- 2.6.5. All payments to UNCTAD shall be made in United States Dollars and paid into:

Account Name: UNOG General Fund

Account No.: 485001802

Bank Name: JP Morgan Chase

Bank Address: 277 Park Avenue, 23rd Floor
New York, NY 10172 USA

Swift Code: CHAS US 33

Reference: Guam ASYCUDA Project: TXXX

- 2.6.6. A breakdown of the budget, including the UNCTAD support costs, is found in ANNEX A.
- 2.6.7. Inputs described in 2.5 will be delivered by UNCTAD though funds provided by CQA into the trust fund ledger account specifically allocated for the 24 months life of the project. Their total cost is given in ANNEX A.
- 2.6.8. Contingency funds as detailed in ANNEX A are provided for information only and would need to be secured outside this project as required, and subject to the approval by the Project Steering Committee of a specific request from UNCTAD.
- 2.6.9. Any interest income accrued on the fund balance shall be credited to the Trust Fund Ledger Account and used for project activities as agreed by UNCTAD and the Government of Guam.
- 2.6.10. Any surplus remaining in the Trust Fund Ledger Account upon the completion of activities and the settlement of all related commitments could be transferred into the regional UNCTAD Trust Fund T1DA for ASYCUDA support activities to CQA.

2.7 Prior obligations and pre-requisites

- 2.7.1. The Customs and Quarantine Agency to agree and make available to UNCTAD the funding corresponding to the detailed budget set out at ANNEX A, and according to the United Nations rules and regulations as detailed in ANNEX E.
- 2.7.2. The creation of the project management framework as detailed below.
- 2.7.3. The establishment, from the commencement of the project, of CQA National Project Team and UNCTAD experts and their equipment, in a single working environment.

2.8 Oversight & coordination arrangements

- 2.8.1. The Customs and Quarantine Agency will be responsible for the management, implementation and ownership of the project.
- 2.8.2. A Steering Committee is the 'high-level' committee that provides continuing oversight, policy guidance, coordination and conflict resolution on behalf of the Government of Guam during the project implementation phases to ensure the successful strengthening of the customs clearance process and subsequent introduction of this highly sophisticated, integrated declaration processing system. It provides the required policy and co-ordination as part of its overall responsibilities concerning all major changes within the Customs Administration.
- 2.8.3. The Steering Committee will be chaired by the Director of CQA and will be composed of the National Project Manager, UNCTAD, and representatives from selected Government Departments as deemed appropriate including, but not limited to, agencies identified in ANNEX G. The Project Manager will act as Secretary to the Steering Committee and will make available an agenda and minutes of all meetings held.
- 2.8.4. The Customs Reform and Modernization Committee (CRMC) is the highest-level decision-making body for the project within the Customs and Quarantine Agency for the review of existing processes and implementation of changes/reform as validated by the Steering Committee. The Customs Reform and Modernization Committee will be chaired by the Director of CQA and will be composed of Heads of divisions, the National Project Manager, UNCTAD expert(s). The Project Manager will act as Secretary to the CRMC and will make available an agenda and minutes of all meetings held.
- 2.8.5. The Project Manager will drive the day-to-day operation of the project and supervise and coordinate the activities of the teams responsible for the various aspects of the project. He/She is the national project counterpart and shall work with the UNCTAD international experts. He/She will be responsible for the National Project Team.
- 2.8.6. UNCTAD personnel, provided through the project funds, will complement the above structure as resource persons at their respective levels to ensure the highest project quality and to achieve the full transfer of know-how and skills.
- 2.8.7. The full commitment and support of the Government and CQA is fundamental to project success.
- 2.8.8. In line with its commitment to promote gender equality/awareness raising, UNCTAD strongly encourages the participation of female employees in project and training activities and other events.

2.9 Project review, monitoring & self-evaluation

- 2.9.1. Project activities will be managed on the basis of work plans drawn up by the Project Manager and approved by the Steering Committee. UNCTAD will arrange recruitment of the project experts and consultants in accordance with the United Nations rules and regulations.
- 2.9.2. The Project Manager will prepare quarterly progress reports for the Members of the Steering Committee. He will also provide monthly progress summaries to the CRMC regarding activities as defined in the project work plan.
- 2.9.3. Towards the end of the project, the National Project Manager shall prepare the draft terminal report for review and technical clearance by the Government and UNCTAD in preparation for the terminal review meeting.
- 2.9.4. The end of the project does not mean the end of communications between the ASYCUDA user countries and UNCTAD. To this end UNCTAD, through its Regional Offices continues to provide the required backstopping to the National ASYCUDA teams. These Regional centers can organize tailor-made training sessions, technical assistance missions in each country, or any other support activities needed by the user countries.
- 2.9.5. After the project ends the ASYCUDA Regional ASYCUDA Office will provide continued support to the Customs and Quarantine Agency on the basis of a support agreement, including cost, to be drafted and finalized during the project life.
- 2.9.6. Arrangements for funding and financial reporting are set out in this Project Document and shall be in accordance with United Nations Rules and Procedures Applicable to the Administration of Technical Co-operation Trust Funds (ANNEX E).
- 2.9.7. The project will be subject to a participatory self-evaluation at the end of its implementation period and will be conducted by the Project Manager. The objective of this exercise will be to promote self-learning through an internal assessment of the project using evaluation criteria (relevance, efficiency, effectiveness, sustainability, impact, gender and human rights, and partnerships). Project stakeholder feedback will be sought and incorporated into this assessment.

2.10 Revisions to the project document

2.10.1. The following revisions may be made to this project document by both parties to the agreement provided the donor agency has no objections to the proposed changes:

- Revisions in or addition of any of the Annexes to the project document;
- Revisions which do not involve significant changes in the immediate objectives, outputs, activities, timeframe or costs of the project, but are caused by the re-arrangement of inputs already agreed to or by cost increases due to inflation;
- Mandatory annual revisions which re-phase the delivery of agreed project inputs or increase expert or other costs due to inflation.

2.10.2. Revisions which involve significant changes to the immediate objectives, outputs, activities, timeframe or costs of the project will be approved by the Project Steering Committee.

2.11 Settlement of disputes

2.11.1. The Parties shall use their best efforts to resolve any dispute arising out of or relating to this Agreement through good faith consultations and negotiations. Nothing in this Agreement shall be construed as a waiver of the privileges and immunities of either Party.

2.12 Privileges and immunities

2.12.1. Nothing in or relating to this Agreement shall be deemed a waiver, express or implied, of any of the privileges and immunities of the United Nations, including its subsidiary organs.

2.12.2. Nothing in or relating to this Agreement shall be deemed to waive, expressed or implied of the sovereign immunity of the Government of Guam or any of its agencies or departments.

2.13 Use of names and emblems

2.13.1. Neither Party shall use the name, including any abbreviation thereof, emblem or trademarks of the other Party, its subsidiaries, and/or affiliates, in connection with its business or otherwise without the express prior written approval of the other Party in each case. In no event will authorization to use the UN name, including any abbreviation thereof, or the UN emblem be granted for commercial purposes.

2.14 Liability

- 2.14.1. Each party shall be liable for its own acts and omissions under this Agreement, including with respect to third-party claims.

2.15 Suspension, force majeure

- 2.15.1. UNCTAD may suspend implementation of all or part of the action if circumstances (chiefly force majeure) make it too difficult or dangerous to continue. It shall inform the Customs and Quarantine Agency without delay and provide all the necessary details. UNCTAD shall endeavor to minimize the duration of the suspension and may resume implementation of the Action once the conditions are right, and shall inform the Customs and Quarantine Agency accordingly.
- 2.15.2. The Customs and Quarantine Agency may require UNCTAD to suspend implementation of all or part of the Action if circumstances (chiefly force majeure) make it too difficult or dangerous to continue. The Customs and Quarantine Agency shall endeavor to minimize the duration of the suspension and may resume implementation of the Action once the conditions are right, with the prior written approval of UNCTAD.
- 2.15.3. The implementation period of this project is automatically extended by an amount of time equivalent to the duration of the suspension. This is without prejudice to any amendments to the project document which may be required to adapt the Action to new circumstances of implementation.
- 2.15.4. *Force majeure* shall mean any unforeseeable exceptional situation or event beyond the Parties' control which prevents either of them from performing any of their obligations under this project document, was not due to error or negligence on their part (or of their contractors, agents or employees), and could not have been avoided by the exercise of due diligence. Negligence or intentional action of a Party's contractors or agents or employees, defects in equipment or material or delays in making them available, labour disputes, strikes or financial problems cannot be invoked as force majeure. Neither of the Parties shall be held liable for breach of its obligations under the project document if it has been prevented from performing them by force majeure. The Party invoking force majeure shall notify the other without delay, stating the nature, likely duration and foreseeable effect, and shall take the necessary measures to reduce damage to a minimum.

2.16 Tax exemption

- 2.16.1. Article II, Section 7, of the Convention on the Privileges and Immunities of the United Nations provides *inter alia*, that the United Nations, including its subsidiary organs, is exempt from all direct taxes, except charges for public utility services, and is exempt from customs restrictions, duties, and charges of a similar nature in respect of articles imported or exported for its official use.

2.17 Entry into force

- 2.17.1. This project shall start on the date of signature by both parties and receipt of the first payment, as per section 2.6.4, and will remain into force for a period of 24 months as of that date.

2.18 Status of the parties

- 2.18.1. The Parties acknowledge and agree that the Customs and Quarantine Agency is an entity separate and distinct from the United Nations, including UNCTAD. The employees, personnel, representatives, agents or contractors of the Customs and Quarantine Agency and its subcontractors, shall not be considered in any respect or for any purposes whatsoever as being the employees, personnel, representatives, agents, contractors or other affiliates of the United Nations, including UNCTAD, nor shall any employees, personnel, representatives, agents or other affiliates of UNCTAD be considered for any purposes whatsoever, as being employees, personnel, representatives, agents or other affiliates of the Customs and Quarantine Agency or its subcontractors.

Nothing in this document shall be deemed or construed to create, or have been intended to create, a partnership, joint venture, employment or agency relationship between the Parties.

2.19 Sexual exploitation and abuse

2.19.1. The parties affirm their zero tolerance for sexual harassment and abuse, and are firmly committed to the prevention of such sexual harassment and abuse. A breach of this provision is a breach of an essential term of this Agreement.

2.20 Confidentiality

2.20.1. Information and data that are considered proprietary by either party or that are delivered or disclosed by one party ("Discloser") to the other Party ("Recipient") during the course of the performance of this Agreement, and that is designated as confidential ("Confidential Information"), shall be held in confidence by the Recipient. The Recipient shall use the same care and discretion to avoid disclosure, publication or dissemination of the Discloser's Confidential Information as it uses with its own similar Confidential Information that it does not wish to disclose, publish or disseminate. This Article survives the termination of this Agreement.

ANNEX A – BUDGET

Item Class	Description	TOTAL		Reform/Prototyping		Pilot/Rollout		Contingency (6 months)
		Duration	Cost	Duration	Cost	Duration	Cost	
FT30_CLASS_010	Expert ASYCUDA	24	408,000	12	204,000	12	204,000	81,600
	Expert Customs	12	204,000	9	153,000	3	51,000	40,800
	Regional	8	152,000	4	76,000	4	76,000	30,400
	Coordination Support							
	Trainer	6	102,000	3	51,000	3	51,000	20,400
	Analyst/Programmer	18	306,000	12	204,000	6	102,000	61,200
FT20_CLASS_160	Travel		275,815		139,896		135,919	55,163
SUB-TOTAL		68	1,447,815	40	827,896	28	610,919	289,563
FT30_CLASS_160	Training							
	Functional		116,112		116,112			23,222
	Technical		74,453		41,659		32,794	14,891
	Development		32,794				32,794	6,559
	Mobilization Seminar		30,000		23,000		10,000	
SUB-TOTAL			253,359		177,771		75,588	44,762
FT30_CLASS_135	Equipment							
	ASYCUDA		0		0		0	
	Software							
	Experts		20,000		20,000			
	Equipment							
	Project Vehicle							
SUB-TOTAL			20,000		20,000			0
FT30_CLASS_125	Miscellaneous							
	Oper & Other Costs		30,000		15,000		15,000	6,000
SUB-TOTAL			30,000		15,000		15,000	6,000
TOTAL			1,751,174		1,042,667		710,507	340,235
FT30_CLASS_100	UN Programme Support Cost (+12%)		227,663		135,237		92,366	44,230
GRAND TOTAL			1,978,827		1,175,954		802,873	384,465

ANNEX B – LOGICAL FRAMEWORK MATRIX

Development Objective

The overall aim of this project is to provide the Government of Guam with a modern, secure, and sustainable customs data management system based on proven open-source technologies. The project will support the implementation of best practices in trade facilitation, in line with the standards and recommendations of international bodies, such as the WCO, WTO, and UN. The implementation of ASYCUDA is expected to contribute to improve government finances and broader economic strengthening through enhanced trade facilitation, modernization of customs procedures, and a significant reduction in bureaucratic complexity.

<u>Narrative Summary</u>	<u>Performance Indicators</u> (linked to outputs)	<u>Means of Verification</u>	<u>Assumptions</u>
<u>IMMEDIATE OBJECTIVE 1</u> Provide ASYCUDA expertise to the National Project Team OUTPUTS (RESULTS) 1. Capacity built in Customs National Project team to manage and operate ASYCUDA 3. Capacity built in Customs National Project team to train Customs staff and private sector operators 4. ASYCUDA Training sessions delivered to Customs staff and private sector operators	- National Team trained and working smoothly - System Prototypes developed - Training Prototype developed - No. of Training sessions delivered by National Trainers - Nb. of Customs staff trained (gender consideration incl.) - No. of private sector (gender consideration incl.)	- Staff satisfaction survey - National Project Manager - System running at Headquarters - National Project Manager - Training plan - National Project Manager - Training courses attendance lists - National Project Team	- Full commitment of senior managers to implement the project. - Timely availability of suitable office for Project Team and provision of suitable premises at each of the identified customs locations. - Suitable staff retention policy in place. - Coordination and cooperation among all Project stakeholders - Appropriate human resource management policy.

<u>Narrative Summary</u>	<u>Performance Indicators</u> <i>(linked to outputs)</i>	<u>Means of Verification</u>	<u>Assumptions</u>
IMMEDIATE OBJECTIVE 2 Review of the Customs and Quarantine Agency existing automated processes with the view to improving their efficiency and effectiveness in light of the changing trade environment OUTPUTS (RESULTS) 1. Reformed Customs Regulation defined, documented and [published.] 2. Customs regulations and procedures implemented within ASYCUDA 3. Declaration processing flow documented and implemented. 4. Prototype ready and operational 5. ASYCUDA installed in the pilot site. 6. ASYCUDA installed in the designated locations	• Customs legislation streamlined: Reduction in number of clearance steps/procedures • Reviewed Customs procedures • Improvement of Customs control operations through compliance and No. of frauds detected/ potential loss of revenue. • Decrease in Customs Clearance time • Increase of revenue collection of 25% twelve months after computerization of the Customs Offices	• Trading community satisfaction survey - Chamber of commerce, Freight forwarder association • Law presented to government - Department • Law published in National gazette - Department • Reports on declaration processing - Customs • Reports on compliance and fraud discovery. - Customs • Report on Clearance time - Customs • Report on revenue collection - Customs	• Government support to fast-track the approval of new Customs legislation and procedures. • Timely provision of suitable premises and required ICT infrastructure at each of the identified customs locations.

<u>Narrative Summary</u>	<u>Performance Indicators</u> <i>(linked to outputs)</i>	<u>Means of Verification</u>	Assumptions
<u>IMMEDIATE OBJECTIVE 3</u> Availability of timely and accurate statistical data	• Use of trade statistics by relevant Government institutions and stakeholders in general	• Publication of reports such as official trade statistics, and those of relevant Ministries	
OUTPUTS (RESULTS) 1. Customs data produced from ASYCUDA 2. Trade data extracted from ASYCUDA	• Customs data made available • Trade data made available in accordance with service level agreement.	Department • ASYCUDA reports on data production and extraction Customs	

PRE-CONDITIONS :

- Customs to provide the requisite number of full-time Customs trained personnel for National Project Team
- Project Management framework, including Steering Committee, Customs Reform & Modernization Committee and National Project Team, to be established

ANNEX C - JOB DESCRIPTION AND POST CRITERIA

INTERNATIONAL STAFF

Customs Expert

TITLE OF THE POST	: Customs Automation Expert
DUTY STATION	: TBD
DURATION	: 12 months
STARTING DATE	: to be decided
SALARY AND CONDITIONS	: According to experience
DUTIES	: In coordination and close collaboration with the Project Manager and the National Project Team, the expert(s) will be required to: a. Assist with preparation and monitoring of the ASYCUDA project Detailed Work Plan; b. Analyze current customs operations and procedures, management information systems and sub-systems, and provide recommendations maximizing the use of ASYCUDA features and underlying technology; c. Follow up recommendations with senior management to secure implementation of ASYCUDA automation pre-requisite reforms; d. Assist with development of the output of management, trade and fiscal data; e. Assist in the development of the training program for Customs staff and the Trade in the use of ASYCUDA i. assist in the preparation of documentation and instructions for both customs and the trade; ii. coordinate all training activities including the coordination and running of the national modular courses; f. Develop a plan for the evaluation of procedural performance before and after the implementation of ASYCUDA; g. Assist in the evaluation of system performance during the testing and parallel running of the system; h. Assist the Project Manager to submit monthly and quarterly technical reports expeditiously to the Commissioner, and ASYCUDA Regional Office.

QUALIFICATIONS**Mandatory**

: At least ten years overall experience with assignments in the following areas:

- a. Implementing a computer system in a customs operation;
- b. Modernization of Customs and related procedures;
- c. Training experience.

(Desirable)

- : a. Experience of working in an international environment.
- b. Experience with computers in one of the following areas:
- i. implementing a computer system in a customs operation;
 - ii. system analysis and design for a customs operation.

LANGUAGES:

: A perfect working knowledge of English. A working knowledge of French would be desirable.

INTERNATIONAL STAFF

ASYCUDA Expert

TITLE OF THE POST	: ASYCUDA Expert
RESPONSIBLE TO	: Project Manager, through the ASYCUDA Regional Coordinator
DUTY STATION	: Guam
DURATION	: 24 months
STARTING DATE	: To be advised
SALARY AND CONDITIONS	: According to experience
DUTIES	: The ASYCUDA Expert will be required to: a. Analyze special requirements of Guam Customs and Quarantine Agency for additional ASYCUDA features; b. Program and document these ASYCUDA features; c. Debug ASYCUDA; d. Prepare software releases for installation; e. Assist central/regional programming team on development of ASYCUDA software; f. Support technical project activities.
QUALIFICATIONS	: a. Graduation from a recognized post-secondary institute with a degree in one of the following areas. i. Programming ii. System analysis and design iii. Operational programming iv. Computer science b. Must have a good working knowledge of open-source operating systems c. At least three years' experience in: i. Jakarta EE ii. Database systems iii. Desirable experience with Quarkus and Vue3
LANGUAGES:	: A perfect working knowledge of English.

INTERNATIONAL STAFF

Analyst-Programmer

TITLE OF THE POST	: Analyst-Programmers (various)
DUTY STATION	: Multiple – in Geneva and regional centers
DURATION	: 18 months
COMMENCEMENT DATE	: To be arranged
SALARY AND CONDITIONS	: According to experience
DUTIES	: The experts will be required to: a. Analyze special requirements of the participating governments for additional data inputs and outputs; b. Program and document those requirements; c. Prepare software releases for installation; d. Assist central programming team on development of ASYCUDA software; e. Support technical project activities.
QUALIFICATIONS	: a. Graduation from a recognized post-secondary institute with a degree in one of the following areas: i. Programming ii. System analysis and design iii. Operational programming iv. Computer science b. Must have a good working knowledge of open-source operating systems. c. At least three years' experience in: i. Jakarta EE ii. Database systems d. Desirable experience with Quarkus and Vue3
LANGUAGES:	: A perfect working knowledge of English. Knowledge and ability to work in French desirable

Note on Analyst- Programmer post

The ASYCUDA system, which is developed with assistance from the Danish, Swedish, Italian, French, Spanish, Swiss, German, UK and US Governments, represents some 100 man years so far of investment. Experience shows that a centralized and standardized approach results in substantial economies of scale. It is however, natural that there is need to make adjustments to the standard software to adapt it to the requirements of individual users, and to improve it in response to new developments in terms of hardware, software, telecommunications and international agreements on data standards. Economies of scale can only be achieved if the required changes are made centrally, using the expertise and knowledge of the central ASYCUDA team relating to all the modules of the system.

Thus, centralization of system development is essential to ensure that the ASYCUDA systems in all countries remain fully compatible, for the following reasons:

- (i) If system development and maintenance were to be decentralized, system errors brought to the attention of UNCTAD by user countries could not be identified as coming from the original system as opposed to changes made in the field. Maintenance would rapidly become unmanageable for UNCTAD. All firms developing and selling or renting software packages apply this same policy.
- (ii) System improvements carried out at the request of one user and not introduced centrally should benefit all other countries and regions. It should be noted that to take into account technological improvements UNCTAD redistributes updated versions of the system to all user countries on a regular basis. UNCTAD can only ensure compatibility between existing and updated versions insofar as no changes are made locally to the system.
- (iii) The use of a single version in all countries is essential for future regional Customs integration and electronic data interchange.
- (iv) Requests made by several countries and organizations for expanding ASYCUDA to introduce data on transport and transit operations is self-evidently only feasible with a single version for all countries.
- (v) In the longer term, the use of a single version in most developing countries (presently over eighty countries have expressed interest in adopting ASYCUDA) could permit telecommunication interrogation of national ASYCUDA systems by trade operators interested in trade control measures related to any particular product (tariff and non-tariff measures).
- (vi) Donor countries supporting ASYCUDA regularly insist that a "single system" policy should be enforced. Bilateral agencies who are financing costly projects for "harmonization" clearly wish to avoid such an eventuality in the case of ASYCUDA. It is also worthy of note that private software firms developing, maintaining or selling software packages apply the same harmonization and centralization policy as UNCTAD.

It should be recalled that ASYCUDA is an action-oriented program of enormous financial and economic benefit to participating countries provided it operates with adequate resources. Every change to ASYCUDA carried out in Geneva is screened by several experts on transport, accounts, Customs procedures, and management information, in order to maintain world standards. As far as is known, ASYCUDA is the largest software system being developed in the UN system. Experience

shows that the development of a system of ASYCUDA's nature and scope requires a central management and control.

It is hoped that this note explains clearly the rationale for standardization and harmonization and why the work of the central team is essential for the efficient development and maintenance of the ASYCUDA software.

NATIONAL STAFF

PROJECT MANAGER

TITLE OF THE POST	: Project Manager
RESPONSIBLE TO	: Director of CQA
DUTY STATION	: Guam
DURATION	: 24 months
COMMENCEMENT DATE	: To be determined
DUTIES	The Project Manager will be responsible for the management and control of the project. The Project Manager will be specifically responsible for: - Planning and implementing the project activities to agreed time-scales - Monitoring the progress of the project activities against the work-plan and recommending/implementing remedial action as considered necessary and appropriate; - Managing the personnel of the National Project Team attached to the ASYCUDA project; - Assessing, prescribing and managing the changes which may be necessary in staffing, procedures, office layouts, and budgets - Overseeing the building refurbishment programme (as required); - Controlling, with technical assistance as necessary, the building of the ASYCUDA reference DB; - Co-ordinating the National training programmes related to the ASYCUDA implementation; - Arranging co-ordination activities with other Government Ministries, and other bodies affected by the introduction of the ASYCUDA system - Co-ordinating the activities of the ASYCUDA Project - Team with the activities of the Customs reform programme - Ensuring that the monthly progress reports and the quarterly project reports are produced and distributed to Commissioner and the ASYCUDA Regional Office. - Acts as Secretary to the National Project Steering and CRM committees.

It is important to ensure that the Project Manager is a dynamic and pro-active individual and a good manager who will be committed to and accountable for making progress in the project.

QUALIFICATIONS : At least ten years overall experience of which:

	a. Five years experience as a senior Customs manager in an import/export-processing environment; b. Five years experience in Customs operations leading to a good all-round knowledge of the activities of <i>{name of customs administration}</i>.
<i>(Desirable)</i>	Project management and systems analysis & design in an automated Customs environment.
FOREIGN LANGUAGES	: A perfect knowledge of English is essential.

ANNEX D – WORKPLAN

The ASYCUDA project planning requires a detailed assessment of the situation, including consultations with all the stakeholders, at the effective beginning of the project. Accordingly, the first activity of the project is the inception mission, involving both the National Project Team (NPT) and the UNCTAD experts. The main outputs of the mission are the inception report and the project detailed workplan and this explains why no such plan can be included here.

ANNEX E – UN RULES & PROCEDURES

United Nations Rules and Procedures Applicable to the Administration of Technical Cooperation Trust Funds

1. The donor(s) shall place at the disposal of UNCTAD the amount specified in the project document and UNCTAD shall use such funds in accordance with the provisions of the project document;
2. The donor(s) shall deposit the aforementioned funds in convertible currencies of unrestricted use into an account designated by UNCTAD;
3. UNCTAD shall establish a trust fund under the Financial Regulations and Rules of the United Nations for the receipt and administration of the aforesaid funds;
4. The trust fund and the activities financed there from shall be administered by UNCTAD in accordance with the applicable United Nations regulations, rules and directives. Accordingly, personnel shall be engaged and administered; equipment, supplies and services purchased; and contracts entered into in accordance with the provisions of such regulations, rules and directives;
5. All financial accounts and statements shall be expressed in United States dollars;
6. The trust fund shall be charged with expenditures incurred by UNCTAD in the performance of activities under the project;
7. The trust fund will also be charged with thirteen (13) per cent of all direct expenditures incurred under the trust fund account. This charge shall be used to meet the costs of programme support services provided by UNCTAD in the implementation of the project(s) financed under the trust fund;
8. The trust fund will also be charged with an amount equivalent to one (1) per cent of the remuneration or net salary of persons engaged by UNCTAD, and whose engagement is financed by the trust fund, to provide a reserve for coverage of any claim for service-attributable death, injury or illness, under the applicable United Nations regulations and rules or contracts, which reserve cannot be refunded to the donor;
9. UNCTAD shall commence and continue to conduct operations on the receipt of contributions in accordance with the provisions set out in the project document;
10. UNCTAD will not make any commitments above the amounts specified for expenditures in the project document;
11. If unforeseen expenditures arise, UNCTAD will submit a supplementary budget to the donor(s) showing the further financing that will be necessary. If no such further financing is available, the assistance provided to the project(s) may be reduced or, if necessary, terminated by UNCTAD. In no event will UNCTAD assume any liability in excess of the funds provided in the trust fund;
12. Ownership of equipment, supplies and other property financed from this trust fund shall vest in the United Nations. On the termination or expiration of the project, the matter of ownership shall be determined in accordance with the provisions of the project document or, should the

project document not contain any such provisions, then the matter shall be decided through consultations between the donor(s), the government and UNCTAD;

13. Evaluation of the activities financed from this trust fund, including joint evaluation by UNCTAD, donor(s) and recipient(s) shall be undertaken as provided for in the project document;
14. The trust fund shall be subject exclusively to the internal and external auditing procedures laid down in the Financial Regulations, Rules and directives of the United Nations;
15. UNCTAD shall provide the donor(s) with the following statements and reports prepared in accordance with the United Nations accounting and reporting procedures:
 - An annual financial statement showing income, expenditures, assets and liabilities as of 31 December each year with respect to the funds provided by the donor(s);
 - A final report and a final financial statement within six months after the date of expiration or termination of the project.
16. UNCTAD shall notify the donor(s) when, in its opinion, the purposes for which the trust fund was established have been realized. The date of such notification shall be deemed to be the date of expiration of project activities, subject to the continuance in force of paragraph 18 for the purposes there stated;
17. The project may be terminated by either party on 30 days' written notice to the other party, subject to the continuance in force of paragraph 18 for the purposes there stated
18. On termination or expiration of the project under paragraphs 16 and 17 above, the funds will continue to be held by UNCTAD until all expenditures including the obligations incurred will have been met from such funds. Thereafter, any surplus remaining in the trust fund shall be refunded to the donor(s) unless applied by them to other activities following consultations between the donor(s) and UNCTAD.

ANNEX F – ASYCUDA IPR

ASYCUDA Intellectual Property Rights

Considering that, pursuant to Protocol 2 to the Universal Copyright Convention, signed in Geneva on 6 September 1952 and revised in Paris on 24 July 1971, the United Nations enjoys copyright protection in works created and published by the United Nations;

Considering that, in accordance with Rule 1.9, Proprietary Rights, of the United Nations Staff Regulations and Rules, all rights, including title, copyright and patent rights, in any work performed by staff members as part of their official duties are vested in the United Nations;

Accordingly, the following applies to the entirety of UNCTAD's ASYCUDA programme work:

1. The ASYCUDA software system and the associated documentation and training materials are UNCTAD intellectual property.
2. The names "Automated SYstem for CUsoms DAta", "ASYCUDA", "SYstème DOuaNier Automatisé", "SYDONIA", "Sistema aDUaNEro Automatizado", "SIDUNEA", their logos and trademarks, and ASYCUDA software, including updates of the system, ASYCUDA training material and documentation are copyright of UNCTAD.
3. UNCTAD shall grant to the government of Guam and its Customs and Quarantine Agency a non-assignable, non-sublicensable, non-transferable, non-exclusive, royalty-free and perpetual right to use the ASYCUDA software system and associated documentation and training materials solely within the framework of the project, and shall provide the services as further specified in the project document.
4. The government of Guam and its Customs and Quarantine Agency shall have the right to use the ASYCUDA software and the associated documentation and training materials within the limits of its national territory.
5. The rights granted pursuant to the License hereunder extend only to the Licensee and shall not extend to any other entity, agency, corporation, organization or person without the prior written consent of UNCTAD. The Licensee shall not sub-license, assign, or otherwise transfer the License granted by UNCTAD hereunder.
6. The government of Guam and its Customs and Quarantine Agency recognize that the ASYCUDA software system and associated documentation and training material, including updates, that have been developed by UNCTAD are proprietary and that all rights thereto, including copyright, are owned by UNCTAD. Any rights in and to the ASYCUDA software system and associated documentation and training material licensed hereunder which are not expressly granted herein shall be reserved for UNCTAD.
7. The government of Guam and its Customs and Quarantine Agency shall have the right to make modifications and create derivative works to the ASYCUDA software system. Such derivative works shall remain the intellectual property of the government of Guam and its Customs and Quarantine Agency. To the extent to which these could be of interest for other ASYCUDA-user countries, UNCTAD and the government of Guam and its Customs and Quarantine Agency shall consider and study promotion and/or distribution mechanisms for the common benefit of

the government of Guam and its Customs and Quarantine Agency and the interested ASYCUDA-user countries.

8. The government of Guam and its Customs and Quarantine Agency shall reproduce and include any copyright notice or other proprietary notice of UNCTAD, as such notice may appear in the ASYCUDA software system and all associated documentation and training materials received by the government of Guam and its Customs and Quarantine Agency from UNCTAD, on all copies of the ASYCUDA software system and associated documentation and training materials made or used in accordance with this project.
9. The government of Guam and its Customs and Quarantine Agency agree to notify UNCTAD forthwith if it obtains information as to any unauthorized possession, use or disclosure of any item of ASYCUDA software by any person or entity, and further agrees to cooperate with UNCTAD through all possible means, in protecting UNCTAD's proprietary rights.
10. With the exception of the services and support provided by UNCTAD as laid down in the project document and its annexes/appendixes, UNCTAD provides the ASYCUDA software system "AS IS".
11. The government of Guam and its Customs and Quarantine Agency and UNCTAD, shall use their best efforts to settle amicably any dispute, controversy or claim arising out of this Appendix or the breach, termination or invalidity thereof.
12. Should such amicable settlement fail, the Settlement of Dispute section on arbitration in the main body of the project document is also applicable here.
13. Nothing in or relating to this Appendix shall be deemed a waiver, express or implied, of any of the privileges and immunities of the United Nations, including its subsidiary organs.
14. If any provision of the project document shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of this Appendix shall not in any way be affected or impaired.
15. The entry into force of the Appendix on ASYCUDA intellectual property rights' rules and regulations is the date of signature of the project document. These rules and regulations survive the termination of the project document and are not time bound.

ANNEX G – STEERING COMMITTEE COMPOSITION

Agency	Function
Customs and Quarantine Agency (CQA)	Border clearance
Bureau of Statistics and Plans	Economic data
Department of Public Health and Human Services (DPHSS)	Health permits
Department of Agriculture (DOAG)	Agriculture permits
Environmental Protection Agency (EPA)	Environmental permits
Department of Revenue and Taxation (DRT)	Tax verification
Guam International Airport Authority (GIAA)	User fee collection / interface
Port Authority of Guam (PAG)	Maritime cargo interface
Department of Administration	Finance and personnel