

SAFETY Act Application Kit

Department of Homeland Security
Science and Technology Directorate
S&T SAFETY
Room 1715
Mail Stop 8700
245 Murray Lane
Washington, D.C. 20528
1-866-788-9318
<http://www.safetyact.gov>

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DHS Form 10001, DHS Form 10002, DHS Form 10003, DHS Form 10004, DHS Form 10005, DHS Form 10006, DHS Form 10007, DHS Form 10008, DHS Form 10009, DHS Form 10010, and DHS Form 10057 (10/06)

PAPERWORK REDUCTION ACT

Number: 1640-0001

Expiration: March 31, 2013

Public reporting burden for this collection of information is estimated at 1-80 hours per response (average 50 hours), including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and checking the collection forms. This effort is necessary to obtain or retain a benefit, as required by Public Law 107-296, Subtitle G of Title VIII of the Homeland Security Act of 2002.

The SAFETY Act provides incentives for the development and deployment of Qualified Anti-Terrorism Technologies by creating a system of “risk management” and a system of “litigation management.” The purpose of the Act is to ensure that the threat of liability does not deter potential manufacturers or Sellers of Qualified Anti-Terrorism Technologies from developing and commercializing technologies that could significantly reduce the risks or mitigate the effects of large-scale terrorist events.

Send questions regarding any aspect of this collection of information to:

Office of SAFETY Act Implementation
Department of Homeland Security
S&T SAFETY
Room 1715
Mail Stop 8700
245 Murray Lane
Washington, D.C. 20528

and to:

Office of Management and Budget
Paperwork Reduction Project (1640-0001)
Washington, D.C. 20503

Persons are not required to respond to this collection of information unless it displays a currently valid OMB number.

TABLE OF CONTENTS

CHAPTER 1. ABOUT THE SAFETY ACT APPLICATION KIT.....	1
CHAPTER 2. DHS Form 10010: REGISTRATION AS A SELLER OF ANTI-TERRORISM TECHNOLOGY.....	5
CHAPTER 3. DHS Form 10009: REQUEST FOR A PRE-APPLICATION CONSULTATION.....	9
CHAPTER 4. DHS Form 10008: APPLICATION FOR SAFETY ACT DESIGNATION...	15
CHAPTER 5. DHS Form 10007: APPLICATION FOR SAFETY ACT CERTIFICATION.....	40
CHAPTER 6. DHS Form 10006: APPLICATION FOR SAFETY ACT DEVELOPMENTAL TESTING AND EVALUATION DESIGNATION.....	50
CHAPTER 7. DHS Form 10005: SAFETY ACT BLOCK DESIGNATION APPLICATION.....	70
CHAPTER 8. DHS Form 10004: SAFETY ACT BLOCK CERTIFICATION APPLICATION.....	82
CHAPTER 9. DHS Form 10003: NOTICE OF LICENSE OF QUALIFIED ANTI-TERRORISM TECHNOLOGY.....	89
CHAPTER 10. DHS Form 10002: NOTICE OF MODIFICATION OF QUALIFIED ANTI-TERRORISM TECHNOLOGY.....	94
CHAPTER 11. DHS Form 10001: APPLICATION FOR TRANSFER OF SAFETY ACT DESIGNATION.....	101
CHAPTER 12. DHS Form 10057: APPLICATION FOR RENEWAL.....	109

CHAPTER 1. ABOUT THE SAFETY ACT APPLICATION KIT

Purpose of the Application Kit

The SAFETY Act Application Kit provides instructions and the requisite forms to file with the Department of Homeland Security (DHS) in order to take the following actions:

- **DHS Form 10010: Register** with the Office of SAFETY Act Implementation (OSAI): The first step to apply for SAFETY Act Designation of your Technology as a Qualified Anti-Terrorism Technology or to request a Pre-Application Consultation is to register with OSAI as a potential Seller. This establishes an official point of contact for the Department to use in its interactions with you concerning your Technology and to create a unique identification number for you. Registering with the OSAI will also provide you with access to OSAI's online application program.
- **DHS Form 10009: Request** a Pre-Application Consultation: You may obtain guidance from OSAI prior to submitting a full application for Designation via a Pre-application Consultation. Use this form to request a Pre-Application consultation with OSAI. OSAI recommends a Pre-Application Consultation or each applicant, seeking preliminary guidance as to whether their Technology may be Designated as a Qualified Anti-Terrorism Technology.
- **DHS Form 10008: Apply** for Designation as a Qualified Anti-Terrorism Technology (QATT).
- **DHS Form 10007: Apply** for Certification as an Approved Product for Homeland Security.
- **DHS Form 10006: Apply** for Developmental Testing and Evaluation (DT&E) Designation.
- **DHS Form 10005: Apply** pursuant to a Block Designation.
- **DHS Form 10004: Apply** pursuant to a Block Certification.
- **DHS Form 10003: Submit** a Notice of License of a SAFETY Act Designation or Certification.
- **DHS Form 10002: Submit** a Notice of Modification of a SAFETY Act Designation or Certification.
- **DHS Form 10001: Apply** for a Transfer of a SAFETY Act Designation or Certification.
- **DHS Form 100057: Apply** for a Renewal of SAFETY Act Designation or Certification.

While many firms may apply for Designation of their Technology as a Qualified Anti-Terrorism Technology in the first instance and, either concurrently or subsequently, Certification of their QATT as an Approved Product for Homeland Security, the SAFETY Act final rule provides additional options for those seeking liability protections available under the SAFETY Act. The Department, through the SAFETY Act final rule, has provided

for “Developmental Testing and Evaluation Designations” as well as “Block Designations” and “Block Certifications,” which provide for added flexibility in taking actions in furtherance of the SAFETY Act’s objective.

The incorporation of Developmental Testing and Evaluation (DT&E) Designations recognizes that there may be instances of certain anti-terrorism technologies being developed that could serve as an important homeland security resource but that require additional developmental testing and evaluation, e.g., a prototype of a particular technology that has undergone successful lab testing may require field testing or a controlled operational deployment to validate its safety and efficacy. A DT&E Designation makes available the system of litigation and risk management established by the SAFETY Act albeit with certain limitations and conditions that otherwise would not attach to Qualified Anti-Terrorism Technologies. DT&E Designations will facilitate the deployment of promising anti-terrorism technologies in the field either for test and evaluation purposes or in response to exigent circumstances by providing, on a limited basis, the liability protections offered by the SAFETY Act.

Applicants seeking SAFETY Act protections for promising anti-terrorism technologies that have not yet been deployed in an operational environment or that require additional testing and evaluation should consider applying for DT&E Designation. In general, DT&E Designations will include limitations on the use and deployment of the subject technology, remain terminable at-will by the Department should any concerns regarding the safety of technology come to light, and have a limited term not to exceed a reasonable period for testing or evaluating the technology (presumptively not longer than 36 months). Further, the SAFETY Act liability protections associated with DT&E Designations will apply only to acts that occur during the period set forth in the particular DT&E Designation. DT&E Designations are intended to provide the Department with flexibility in making available the SAFETY Act’s system of risk and litigation management, and the Department may issue a DT&E Designation for anti-terrorism technologies that show promise but that may not yet meet the requirements for Designation as a QATT. Technologies that receive DT&E Designation may subsequently qualify for Designation as a Qualified Anti-Terrorism Technology.

The Department also has established streamlined procedures for providing SAFETY Act coverage for qualified Sellers of certain categories of Technologies through the use of “Block Designations” or “Block Certifications.” Block Designations and Block Certifications are issued at the Under Secretary’s discretion and are intended to recognize anti-terrorism technologies that meet the technical criteria for Designation as a Qualified Anti-Terrorism Technology and are based on established performance standards or defined technical characteristics. Fundamentally, the Department’s issuance of a Block Designation or Block Certification announces to potential Sellers of the underlying QATT that the Department has determined that the QATT satisfies the technical criteria for either Designation or Certification and that no additional technical analysis will be required in evaluating SAFETY Act applications from potential Sellers of that QATT. The terms of any such Block

Designation or Block Certification will establish the procedures and conditions upon which an applicant may receive SAFETY Act coverage as a Seller of the subject technology. Applications from potential Sellers of a QATT that is the subject of a Block Designation or Block Certification will receive expedited review and will not require submission of information concerning the technical merits of the underlying technology.

All Block Designations and Block Certifications will be published by the Department within ten days after the issuance thereof at <http://www.safetyact.gov>, and copies may also be obtained by mail by sending a request to:

Office of SAFETY Act Implementation
Department of Homeland Security
S&T SAFETY
Room 1715
Mail Stop 8700
245 Murray Lane
Washington, D.C. 20528

Any person, firm, or other entity that desires to qualify as a Seller of a QATT that is the subject of a Block Designation or Block Certification should utilize the forms provided in this Application Kit and follow the instructions set forth herein as well as included in the specific Block Designation or Block Certification issued by the Department.

This Application Kit contains the forms necessary to communicate with OSAI about your Technology.

Key Terms

Certain defined terms are used throughout this Application Kit. These terms and their meanings are set forth below.

Sell (sale, sales, selling): In this Application Kit, “Sell” is used as a generic term for the means by which you make your QATT available to the market as a whole or to a particular customer, e.g., government agency. “Selling” should be understood to include not only providing tangible goods or services for value received, but also executing contracts for services to be rendered, leasing, exchanging, donating, contingency-fee services, or any other transaction or arrangement by which your QATT is made available. The term “customer” is used in the same broad way to mean the recipient or user of your QATT. In this context, a single entity may be both the “Seller” and the customer in the event such entity is deploying its QATT internally.

Technology: In this Application Kit, “Technology” is defined as “any product, equipment, service (including support services), device, or technology (including information technology)” and may include a combination of products, equipment, expertise, and services.

Counter: Technologies can perform many different functions in the fight against terrorism. These functions may include, for example, predicting where terrorist acts are most likely to occur, deterring acts of terrorism, assessing vulnerability to terrorist threats, allocating resources among counter terrorism activities, responding to acts of terrorism, detecting preparations for terrorist activities, detecting terrorist acts in progress or disrupting them, hardening targets against terrorist attacks, improving first responder performance in the event of a terrorist act, mitigating the effects of a terrorist attack, improving medical treatment of terrorism victims, and many others. All of these roles, whether in anticipation of potential terrorist acts or in response to actual terrorist acts, will be referred to in this Application Kit as *countering* acts of terrorism.

Assistance

The Office of SAFETY Act Implementation (OSAI) will answer any questions or provide additional information through the application process. Please direct all requests or questions to: OSAI at 1-866-788-9318 or SAFETYActHelpDesk@dhs.gov.

CHAPTER 2. REGISTRATION AS A SELLER OF ANTI-TERRORISM TECHNOLOGY

The initial step in applying for the liability protections available under the SAFETY Act or for requesting a Pre-Application Consultation is to register with OSAI. Registration can be done electronically at the SAFETY Act Web site (<http://www.safetyact.gov>). You can also register by mail, using the forms included in this kit, or you can download an electronic copy of the form, complete it, and mail in the electronic document on a compact disc. Mailed registrations (hard copy or CD) should be sent to:

U.S. Department of Homeland Security
ATTN: Office of SAFETY Act Implementation
245 Murray Lane, Building 410
Washington, D.C. 20528

Remember that physical mail sent to DHS is screened and processed, which may delay the Department's response to your submission.

Registering with OSAI does not commit you to any further actions. The purpose of Registration is to establish an official point of contact for the Department to use in its interactions with you concerning your Technology and to create a unique identification number for you as a potential Seller. This identifier will help the Department track and maintain your application. The SAFETY Act application process is designed to be flexible and to involve ongoing dialogue with the Applicant. Appropriate "points of contact" will facilitate this dialogue. The Applicant's point of contact may be any person you desire to coordinate your application and may include counsel, a representative of management, a technical expert or any other person you consider appropriate for this purpose.

(Registration Form on following page)

REGISTRATION AS A SELLER OF ANTI-TERRORISM TECHNOLOGY

ACTION

R1. Purpose of Registration (*choose one*):

- ☐ Initial Registration
☐ Updated or Corrected Registration Information

REGISTRATION DATA

R2. Seller Name: _____

R3. Data Universal Numbering System (DUNS) Number (if available): _____

R4. North American Industry Classification System (NAICS) Code (if available): _____

POINT-OF-CONTACT INFORMATION

R5. Primary Point of Contact:

Name: _____

Address: _____

State/Province: _____ Country: _____ ZIP/Mail Code: _____

Telephone No.: _____ Fax No.: _____ E-mail: _____

E-mail Communication Authorized? ☐ Yes ☐ No

R6. Secondary Point of Contact (*optional*):

Name: _____

Address: _____

State/Province: _____ Country: _____ ZIP/Mail Code: _____

Telephone No.: _____ Fax No.: _____ E-mail: _____

E-mail Communication Authorized? ☐ Yes ☐ No

Instructions for Completing Registration Form:

Item R1. Purpose of Registration

If your company or business unit has not previously registered with OSAI, check “Initial registration.” A company may file more than one registration; certain companies may wish to file multiple registrations if it has multiple business units selling dissimilar types of Technologies. As a rule, the entity that sells the Technology is the entity that should register.

If you are updating or correcting previous registration information, check “Updated or Corrected Registration Information.” OSAI strongly encourages you to keep your registration information up to date. In particular, be sure to notify OSAI of any changes in contact information.

Registration Data

Item R2. Seller Name

Enter the legal name of your organization. If there will be business affiliates who will also be “sellers” of the Technology, please enter their legal names.

Item R3. Data Universal Numbering System (DUNS) Number

If your company has a nine-digit DUNS number, enter it here. If your company does not have a DUNS number, you do not need to provide one.

Item R4. North American Industry Classification System (NAICS) Code

NAICS Codes can be found in the official 2002 US NAICS Manual North American Industry Classification System—United States, 2002, available from the National Technical Information Service, (800) 553-6847 or (703) 605-6000), or directly from <http://www.census.gov/epcd/www/naics.html>.

Point-of-Contact Information

Item R5. Primary Point of Contact

Enter the name of the individual who will serve as the primary point of contact for interactions between your organization and OSAI. Provide a business address and telephone information for this person. OSAI prefers not to use personal or home contact information unless no other contact information is available. Include area codes and any non-U.S. country codes in telephone and fax numbers. If you wish to permit OSAI to correspond with this individual by e-mail, enter a valid e-mail address in the space provided.

The Applicant’s point of contact may be any person you desire to coordinate your application and may include counsel, a representative of management, a technical expert or any other person you consider appropriate for this purpose.

Item R6. Secondary Point of Contact

Enter the name and contact information for an alternate point of contact in your organization. OSAI will attempt to contact this person only if it is unable to reach the primary point of contact identified in item R5.

CHAPTER 3. REQUEST FOR A PRE-APPLICATION CONSULTATION

A Pre-Application Consultation is a voluntary means through which OSAI provides helpful guidance to potential applicants without requiring the completion and submission of a full SAFETY Act Application. The Pre-Application Consultation is intended to facilitate a process by which a potential applicant may provide DHS with initial information regarding their Technology, so that DHS may, in turn, provide potential applicants with guidance regarding the submission of an Application for SAFETY Act Designation. The Pre-Application Consultation is also intended to facilitate discussions regarding the SAFETY Act Application process. A Pre-Application Consultation is not a prerequisite for submitting a full application for SAFETY Act Designation.

(Pre-Application Consultation Request Form on following page)

REQUEST FOR PRE-APPLICATION CONSULTATION

SELLER INFORMATION

P1. Seller Name: _____

P1.1. Description of Seller. Please provide an overview of your company, including place of incorporation and major affiliates or subsidiaries.

P2. Non-proprietary Summary

P2.1. Name of your Technology: _____

P2.2. Technology Description. Provide a non-proprietary overview of your Technology.

P3. Detailed description of your Technology. In an attachment, please provide a detailed description of your Technology and summarize your Technology's qualifications for SAFETY Act Designation.

P4. Past and anticipated sales. Note: It may be very important and could significantly expedite your eventual application if your Technology has been acquired or utilized (or is subject to an ongoing procurement) by the military, a Federal government agency, or a state, local or foreign governmental entity.

Who has purchased, utilized or plans to purchase your Technology? *(Choose all that apply.)*

- ☐ Federal government (Agency: _____ Approximate Date: _____)
- ☐ State government (State: _____ Approximate Date: _____)
- ☐ Local government (City/County: _____ Approximate Date: _____)
- ☐ Commercial organization (Name: _____ Approximate Date: _____)

- ☐ Foreign government (Name: _____ Approximate Date: _____)
- ☐ Other (Name: _____ Approximate Date: _____)

P5. Readiness for Sale. If your Technology has not previously been sold, provide an estimate of when it will be available for sale.

- ☐ Immediately available for sale
- ☐ Expected to be available for sales within ____ months. (*Fill in the blank.*)

P6. Effectiveness

How do you know that your Technology is effective? What kinds of deployment information, test results, independent studies, or other corroborative information could you provide as part of a full Application to support the utility and effectiveness of your Technology? In an attachment, provide a **summary** of the available information supporting the safety and effectiveness of your Technology. Please indicate any deployments for military or governmental customers. It may be very important and could significantly expedite your eventual application if your Technology has been acquired or utilized (or is subject to an ongoing procurement) by the military, a Federal government agency, or a state, local or foreign governmental entity.

P7. Liability Considerations

In an attachment, please identify the types of potential terrorist activity the Technology is intended to counter. Please describe, to the extent practicable, the scope of damage, loss of life, or other harm that could result from such terrorist activity. Please describe how the Technology has been deployed to date or will be deployed in the future should SAFETY Act Designation be issued.

Instructions for Completing Pre-Application Consultation Form:

Seller Information

Item P1. Seller Name

Enter the legal name of your organization.

Item P1.1. Please provide a succinct description of your company. Please include the place of incorporation and any major affiliates or subsidiaries who will also be “sellers” of the technology. If your company web site or other publication provides this information, you may provide the web site locator or publication as a response to this question.

Item P2. Non-proprietary Summary

Item P2.1. Enter the name of your Technology.

Item P2.2. Please provide a succinct, non-proprietary description of your Technology. When describing your Technology, focus on providing information that will help the Department identify which subject matter technical expert evaluators would be best qualified to review your Technology.

One important purpose of this item is to help the Department recognize potential conflicts of interest and ensure that your application information is not disclosed to evaluators with potential conflicts of interest. The Department is committed to protecting your sensitive business data and may, upon request, describe its protocols for information protection.

Item P3. Description of your Technology

Include as an attachment to your application a summary of your Technology. This summary should be more detailed than your response to P2.2 and may include proprietary or sensitive information. Consider the following questions when preparing your response:

- What is your Technology? You may include information you provide to your customers when you sell that Technology.
- What is your Technology intended to do?
- What are its principal elements, systems, or components?
- How does it operate?
- How and where may it be utilized?
- If your Technology is a service, or incorporates a service, describe the actions, activities, planning, training, and/or expertise involved.
- What specific potential to counter terrorism does your Technology have? In particular, what sorts of terrorist attacks or attempted terrorist acts could be deterred, mitigated, or otherwise addressed by your Technology?

Item P4. Past sales

Who has previously purchased or utilized your Technology? What sales do you anticipate? When? Check and complete each line that applies.

Item P5. Readiness for Sale

Indicate how ready your Technology is to be sold by checking the appropriate box.

Item P6. Effectiveness

Include as an attachment to your application a **summary** of information available to demonstrate the usefulness and effectiveness of your Technology. The summary information you provide here should include information demonstrating your belief that your Technology can be a valuable counter terrorism tool. The kind of information your summary should include will depend on the nature of your Technology. Please indicate any deployments for military or governmental customers. It may be very important and could significantly expedite your eventual application if your Technology has been acquired or utilized (or is subject to an ongoing procurement) by the military, a Federal government agency, or a state or local governmental entity. Procurements of your Technology by a foreign government may also have significant relevance.

If your Technology is primarily a device or software product, your summary should briefly describe available developmental and operational test data that indicate the likely operating performance of that device or software. This could include performance in past deployments, independent test results, government licenses or certifications, field tests (e.g., performance against simulated attacks), internal test data, customer studies, scientific studies of the techniques involved, industry reports, government or military publications, or any other information that suggests or supports the potential usefulness of your Technology.

If your Technology is primarily a service, your summary should describe the nature and quality of the process or expertise involved and should include any available information of successful past deployments of a similar nature. Indicate whether those involved in providing the QATT have certain specialized training or certifications. In particular, you should also summarize available information that documents any of the following:

- The nature and quality of the services you provide.
- Your specification (or any governmental specification) for the processes used to provide those services. If formal protocol or processes exist, please describe them.
- Your methods for monitoring your adherence to your processes.
- Your means for measuring the success of a particular deployment of your services.
- Your expertise or reputation as a provider of these services.
- Compliance with standards from recognized standard setting organizations.

Item P7. Liability Considerations

In an attachment, please identify the types of potential terrorist activity the Technology is intended to address. Please describe, to the extent practicable, the scope of damage, loss of life, or other harm that could result from such terrorist activity. Please describe how your Technology has been deployed to date to counter this type of terrorism or will be deployed in the future should SAFETY Act Designation be issued. Please also describe how deployment of your Technology may be affected should your Technology not receive SAFETY Act Designation. Please include information relating to whether the timing of the deployment of your Technology will be affected.

You need not attach copies of any referenced reports, publications, or other information as part of this Pre-Application. However, be aware that such information should be provided as part of a full Application.

CHAPTER 4. APPLICATION FOR SAFETY ACT DESIGNATION

The purpose of completing a SAFETY Act Designation application is for you, the Seller of a Technology, to explain to the Department how your Technology qualifies for the system of risk management and litigation management under the SAFETY Act. The questions are designed to elicit the information that will allow the Department to understand exactly what it is that you sell and how it relates to the criteria for Designation set forth in the Act. Not all questions will be applicable to all types of technology – this is unavoidable given the broad range of potential types of qualifying technologies. If a particular request or question does not seem relevant to your Technology, explain why you do not think it is relevant in your response to that item. In addition, the Department will accept any supplemental information regarding your Technology that you wish to provide. It is particularly important to identify any prior use or ongoing procurements of your Technology by the military, Federal Government agencies, or State, local, or foreign governmental entities. Prior Government use or procurement may significantly expedite the application process.

(Designation Application Form on following page)

Application for SAFETY Act Designation

APPLICATION TYPE

D1. Type of Application. This application is a(n) *(choose one)*:

☐ Initial Filing

☐ Application following a Pre-Application Consultation

Application ID #:_____

☐ Resubmission of a Previous Application

Application ID #:_____

☐ Application for Renewal of Designation:

Application ID #:_____

D1.1 Public Web site Listing

If your Technology is awarded SAFETY Act coverage, you have the opportunity to be listed on the SAFETY Act Web site as a Designated Seller of a Qualified Anti-Terrorism Technology (QATT). [For example, if you apply for Designation and Certification and receive Designation, your Technology will be listed under Designated Technologies. Or, if you are granted DT&E Designation, regardless of which protection you applied for, you will be so listed on the Web site. Note: By statute, all Certified Technologies will be displayed in the Approved Products List for Homeland Security on the Web site.]

☐ I wish to have my QATT listed on the public Web site under the appropriate classification.

☐ I do not wish to have my QATT listed on the public Web site under the appropriate classification.

EXPEDITED REVIEW

D2. Request for Expedited Review

In its discretion, the Department may identify categories of anti-terrorism technologies for which expedited processing may be granted. For example, the Under Secretary may conduct expedited processing for applications that are the subject of a pending Federal, State, or local procurement, that address a particular threat, that involve particular types of anti-terrorism technologies, or for other reasons. If you are requesting expedited review, please specify the basis for such a request, including, if applicable, information concerning an ongoing procurement. Such information should include the following:

- a. The name of procuring organization;
- b. Contact information for relevant Government procurement officials;
- c. The related Request for Proposal (RFP) number or other official identifier of the procurement, if available; and
- d. Upcoming deadlines relating to the procurement (e.g., submission deadline, decision/contract award, etc.).

Please note if your application falls under a published DHS Notice of Expedited Processing, provide the reference number for such Notice, and a brief statement as to why your application falls within the scope of the Notice. If you wish to provide other bases for expedited processing, please specify.

REGISTRATION INFORMATION

D3. Registration Status (*choose one*):

- ☐ My initial Seller registration is included with this application.
- ☐ I am updating or correcting previous registration information.
- ☐ My previously provided registration information is still accurate.

D3.1. Seller Name: _____

OVERVIEW OF THE ANTI-TERRORISM TECHNOLOGY

D4. Non-proprietary Summary

D4.1. Name of your Technology: _____

D4.2. Company and Technology Description. Provide an overview of your company, including business structure, place of incorporation, company history, a description of your business, and a brief, two-line description of the Technology that is the subject of this application. This description of your Technology should be non-proprietary, that is, appropriate for public viewing on the SAFETY Act website if approved for SAFETY Act coverage.

D5. Summary of your Technology. Please provide a brief (no more than two-page) overall description of your Technology. If your Technology is a product or device, please describe the Technology, including its principal elements, subsystems and components. If your Technology is a service, please provide an overview of the nature of the service, the actions, activities, planning, training, and/or expertise involved in providing the service and how the service is designed to counter terrorist threats. If your Technology is an

“integrator” of various products, services, or legacy systems, indicate how the Technology will integrate the various component parts.

D6. Past Sales and ongoing procurements. Note: It may be very important and could significantly expedite your application if your Technology has been acquired or used (or is subject to an ongoing procurement) by the military, a Federal Government agency, or a State, local or foreign governmental entity.

D6.1. Who has purchased or plans to purchase your Technology? *(Choose all that apply.)*

Please provide a brief description of such purchases.

- ☐ Federal Government (Agency: _____ Approximate Date: _____)
- ☐ State Government (State: _____ Approximate Date: _____)
- ☐ Local Government (City/County: _____ Approximate Date: _____)
- ☐ Commercial organization (Name: _____ Approximate Date: _____)
- ☐ Foreign Government (Name: _____ Approximate Date: _____)

D6.2. Contact information. Include name, address, phone number, and e-mail address or procuring officials, if available. If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

☐ The POCs are expecting contact from DHS. The information the POC can provide or verify is:

D6.3. If applicable, provide information regarding your Technology's use by the United States Government or by any State, local, or foreign Government.

D6.4. Please identify any determination made by Federal, State, or local Government officials in any past or ongoing procurement or other context that your Technology is appropriate for the purpose of countering terrorism.

D7. If any other corporate entity or entities should be identified as an authorized Seller of the subject Technology in addition to the firm identified in the response to D3.1 above, please identify each entity and the place in which it is organized.

D8. Provide the earliest date of sale of the Technology for which you are requesting SAFETY Act coverage. This should represent the date that the Technology was first deployed, used or modified to be used in an Anti-terrorism context. Please provide a justification of the date used.

DESIGNATION AS A QUALIFIED ANTI-TERRORISM TECHNOLOGY

Respond to all items in this section in one attachment to this application. Additional supporting material may be attached as an appendix to your application.

D9. Description of your Technology. One of the most important parts of the application process is defining the scope of your Technology. In this section, define your Technology with a sufficient degree of specificity. This description will serve as the basis for the Department's analysis of your Technology for SAFETY Act purposes. The content of the response you provide in this section, together with any additional information you may be asked to provide, may be used to finalize the definition and scope of your Technology as it will appear in a Designation. Refer to the instructions for a more detailed example.

D10. Deployment and Operation. Describe the sequence of steps involved in deploying and operating your Technology. Provide sufficient detail to show that your company is capable of supplying your Technology. Be specific about all activities such as the development, implementation, operation and management, etc. required to deploy your Technology.

D11. Readiness for Sale. How ready is your Technology to be sold and deployed? Please describe any modifications, adjustments, start-up time, hiring and vetting of personnel,

building of manufacturing facilities, or other processes which might be required prior to a new deployment.

- D12.** Magnitude of Risk. Please provide an assessment of the magnitude of risk to the public from the type of terrorist activities your Technology would counter. Please describe, to the extent practicable, the scope of the injury, property or other damage, economic loss, loss of life, or other harm that could result from such terrorist activity. Please describe how the Technology has been deployed to date and how it can counter terrorist activities.
- D13.** Please describe how your plans for selling, deploying, or maintaining your Technology would be affected if the Department does not issue a SAFETY Act Designation for your Technology. Please describe how the Technology will be deployed in the future if SAFETY Act Designation is issued.
- D14.** Effectiveness and Utility. Provide information supporting the potential for your Technology to be effective in countering potential acts of terrorism. Please provide internal or external effectiveness tests or other information indicating the effectiveness of your Technology. This can include acceptance test data from a Government contracting action, penetration tests, case studies, pre and post-training testing, incident reports, customer feedback, or other relevant data or experience. As noted, acceptance of your Technology by a Government purchaser may be highly relevant and expedite approval of your application.

It is important that effectiveness data be in documented form if at all possible. You are responsible for providing all documentation in support of your application at the time of submittal, or to facilitate the transfer of any such information prior to submission. In the event that obtaining documentation is not possible and if POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below specifically what information we should expect from each POC. Please see the Instructions for additional information.

☐ The POCs are expecting contact from DHS. The information the POC can provide or verify is:

- D15.** Include any other information the Department should consider in evaluating your Technology.

Documents in support of your Application should be uploaded as Attachments together with a separate numbered Table of Contents document. Please refer to the instructions

regarding “Additional Attachments.” If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

☐ The POCs are expecting contact from DHS. The information the POC can provide or verify is:

D16. Insurance Data

D16.1. Please provide the information indicated below for any and all current liability insurance policies that are available to satisfy otherwise compensable third-party claims arising out of, relating to, or resulting from an act of terrorism were your Technology deployed in defense against, response to, or recovery from such act:

- a. Primary named insured (as it appears on your insurance policy).
- b. Additional named insured relevant to the Technology Sellers.
- c. Type of policy (ies) (e.g., Comprehensive General Liability, Errors and Omissions, Aviation, Product Liability, SAFETY Act Liability, etc.)
- d. Policy Dates. (Start and end)
- e. Insurer.
- f. Per-occurrence limits.¹
- g. Aggregate limits.
- h. Annual Premium(s).²
- i. Deductible(s) or Self-insured retentions.
- j. Exclusions (*please note and explain any pertinent insurance exclusions, cancellation terms, or limits that would potentially dilute or eliminate the availability of coverage under the policies identified in sub-paragraph “c” above*).
- k. Please describe the type and limits of terrorism coverage for this policy. Please elaborate on the applicability of the policies identified in sub-paragraph “c” to

¹ Please indicate whether the policy (ies) has a different limit or deductible/self-insured retention for terrorist acts than the general policy limit and, if so, provide both.

² Insurance premium: If possible, please indicate what percentage of the premium is allotted to coverage for acts of terrorism.

address the foreseeable risks associated with the deployment of the Technology, including those risks arising from the deployment of the Technology in advance of or response to an act of terrorism. Please also indicate whether the identified policy(ies) provides coverage under the Terrorism Risk Insurance Act (TRIA) of 2002, as amended, or other insurance policy(ies) provisions or endorsements.

1. Please describe whether the relevant policy(ies) covers SAFETY Act claims and whether the policy(ies) has a dedicated limit that applies to SAFETY Act claims only or has a shared limit (i.e., shared with non-SAFETY Act claims). Please indicate whether you have received a written interpretation letter from either the carrier or insurance broker indicating whether the policy covers SAFETY Act claims; if so, please provide a copy of such document.

D16.2. Unavailability of Insurance

- a. If you do not currently carry insurance for the Technology that would be applicable in the event of an act of terrorism, please indicate the reasons. If you have attempted to purchase insurance but it is not available on the world market, please indicate the specific inquiries you have made. (You may submit written communications from insurance companies or brokers explaining why your Technology cannot be insured.)
- b. If you have endeavored to purchase insurance but have not done so because you have concluded that the cost of insurance premiums would unreasonably distort the price of the Technology, please describe those efforts to find appropriate insurance and state why you have concluded that the cost of insurance for your Technology would unreasonably distort its sales price. In this context, you may need to provide an explanation with relevant documentation (e.g., insurance quotes with limits, premiums, exclusions, and other key items plus other relevant financial and market data). **Note: The Department recognizes that the discussion of requisite insurance with an Applicant may require a number of communications while an application is pending. Thus, the question of whether a given premium would “distort the sales price” of a Technology might not arise when the application is submitted. If the question does arise later in the process, the Applicant may submit appropriate information at that time.**

D16.3. Insurance Point of Contact

If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

☐ The POCs are expecting contact from DHS. The information the POC can provide or verify is:

D16.4. Revenue Projection

In order for us to determine the amount of insurance that would not unreasonably distort the sales price of your Technology, we need you to provide us with three (3)-year projected (prospective) revenue estimates for your Technology - all assuming that your Technology is approved under the SAFETY Act. The three-year period should include your current fiscal year, if incomplete, and two subsequent years.

If you do not have current year sales for your Technology, please provide us with three (3)-year projected revenue data.

The revenue data needs only to pertain to your Technology and the numbers need only be summarized data (that is, we do not require the revenue sources to be itemized). The revenue data should be matched with summarized cost data (e.g., cost of goods sold); as with the revenue data, we do not require breakdown of data by cost centers.

D16.5. Deployment.

Please establish how the deployment of your Technology as an anti-terrorism technology would expose you to extraordinarily high liability and what this liability might be. This can be accomplished by developing a plausible scenario that establishes how the Technology could be the proximate cause of third-party claims in the event of an act of terrorism. Please make the scenario and third-party liability claims specific to the deployment and use of your Technology.

D17. Financial Data

Certain financial information regarding your company and projected/prospective Technology revenue may be particularly relevant to the application process. This is particularly true when questions arise as to whether insurance costs for specified coverage limits unduly distort the price of your Technology. We may request additional financial information from the Applicant if necessary during the application process.

- D17.1.** You may provide a copy of the Seller's financial statement for the most recent fiscal year. For public companies, the most recent SEC annual report (Form 10-K) and SEC quarterly report (Form 10-Q), together with any amendments thereto, should suffice. For non-publicly traded companies, you may choose to include the following information for the most recent fiscal year: income statement, statement of cash flow, and balance sheet as well as pro forma financial statement. OSAI will

seek additional and more specific information only when necessary for a particular application.

ADDITIONAL ATTACHMENTS

Provide all supporting documentation. Please see the instructions for further information.

DECLARATION FOR WRITTEN SUBMISSIONS

I declare, to the best of my knowledge and belief, that the information provided in response to the questions set forth in this Application for SAFETY Act liability protections is true, factual, and correct, and that I am an authorized agent of the Applicant.

Prepared By: _____ Title (if applicable): _____

Signature: _____ Date: ____/____/20__

The signature of the Preparer must be notarized below:

State of: _____ County of: _____

Subscribed and sworn before me
this _____ day of _____

Notary Public: _____

My Commission Expires
on: _____

Instructions for Completing Designation Application Form:

Application Type

Item D1. Type of Application

If you have not previously filed an application for SAFETY Act liability protections for this Technology or have not filed a request for Pre-Application Consultation, check “Initial Filing.”

If you have filed a request for Pre-Application Consultation regarding this Technology but have not previously filed an Application for SAFETY Act Designation as a Qualified Anti-Terrorism Technology (QATT), check the second box: “Application following a Pre-Application Consultation.”

If you have previously applied for SAFETY Act liability protections for this Technology, check the third box: “Resubmission of Previous Application.” This case applies if any previous applications for this Technology were withdrawn, found to be incomplete, or were declined. Previously incomplete or declined applications will not affect the evaluation of your current application; this information is requested for administrative and record-keeping purposes only.

If you are filing this form in order to apply for renewal of a Designation, check the fourth box: “Application for Renewal of Designation,” and enter the identification number of the Designation you are renewing as it appeared on your original notification. For renewal applications, you must complete all items but may respond with “No changes” to items that have not changed since your last application for Designation or approved Modification Notice. Wherever you have additional or revised information since your last Designation application or approved Modification Notice, complete that item as directed.

Expedited Review

Item D2. Request for Expedited Review

In its discretion, the Department may identify categories of anti-terrorism technologies for which expedited processing may be granted. For example, the Under Secretary may conduct expedited processing for applications that are the subject of a pending Federal, State, or local procurement, which address a particular threat involving particular types of anti-terrorism technologies, or for other reasons. If you are requesting an expedited review, please specify the appropriate basis for expedited treatment of your application.

If your Technology is the subject of a pending Government procurement or if you are planning to submit a proposal for a procurement decision in the near future, provide the following information to the extent available:

- a. Name of procuring organization;

- b. Contact information for relevant Government procurement officials;
- c. Related Request for Proposal (RFP) number or other official identifier of the procurement; and
- d. Upcoming deadlines relating to the procurement (e.g., submission deadline, decision/contract award, etc.).

If your request to expedite falls under a published DHS Notice of Expedited Processing, check the appropriate box and follow the published instructions from the announcement.

If your request to expedite is not related to procurement, please provide the basis for your request and any available supporting information.

Registration Information

Item D3. Registration Information

Please check the appropriate box relating to your registration status.

Item D3.1. Name of Seller/Applicant

Enter your Seller name as listed on your registration form.

Overview of the Anti-Terrorism Technology

Item D4. Non-Proprietary Summary

Item D4.1. If this is the first application for this Technology, assign a name to your Technology. This is the name that will appear on any Designation that may be issued.

If you are applying for renewal of an existing Designation, use the name that appears on your most recent Certificate of Designation or Modification Notice.

Item D4.2. The purpose of this item is to help the Department recognize potential conflicts of interest and to avoid disclosing your application information to inappropriate evaluators. The Department is committed to protecting your sensitive business data from improper disclosure.

Provide a brief description of your company, including place of incorporation, a description of your business, and the Technology that is the subject of the Application. When describing your company, focus on identifying any affiliates that will be involved with your Technology (e.g., parent companies, subsidiaries, joint venture partners, holding companies, etc.). When describing your Technology, focus on providing information that will help the Department identify which Subject Matter Experts (SMEs) would be best qualified to evaluate your Technology. This description should be no more than two sentences long and should be appropriate for placement on a public Web site if your application for SAFETY Act coverage is approved.

The purpose of the company description and Technology description is to help the Department recognize potential conflicts of interest and avoid disclosing your application

information to inappropriate evaluators. The Department is committed to protecting your sensitive business data from improper disclosure. *Do not include any sensitive or proprietary information in this summary.* If you wish to include information on substantially similar QATs or provide information regarding who your major competitors are with respect to the subject Technology, you may do so.

Item D5. Nature of Your Technology

Please briefly describe the nature of your Technology in two pages or less. The SAFETY Act applies to a broad range of anti-terrorism technologies. In your response to the question, please describe whether your application is for an anti-terrorism product, service, combination of products and services, information technology, or some other form of intellectual property. If your Technology is a product or device, please describe the Technology in detail, including its principal elements, sub-systems, and components. If your Technology is a service, please describe the nature of the service, the actions, and associated services, activities, planning, training, and/or expertise involved in providing the service and how the service is designed to counter terrorist threats. If your Technology is an “integration” of various products, services, or legacy systems indicate how the Technology will integrate the various component parts.

Item D6. Past Sales and Ongoing Procurements

If POCs are provided as sources of information or testimonials, please indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate what information we should expect from each POC.

Item D6.1. What sales of your Technology have you made to date? Identify a representative sale and approximate date for each category that applies. You may add additional attachments as necessary. Please also specify anticipated sales of your Technology.

Note: It may be very important and could significantly expedite your application if your Technology has been acquired or used (or is subject to an ongoing procurement) by the military, a Federal Government agency, or a State, local, or foreign governmental entity.

Item D6.2. For each Federal, State, or local Government agency that has purchased your Technology, provide contact information for one or two points of contact in an attachment. For non-Government sales, provide one Point of Contact. For each Federal acquisition, attach a copy of any Request for Proposals or Broad Agency Announcements that led to the award and a copy of your final proposal and Statement of Work.

For each customer, please indicate whether:

- The Technology has been fully deployed.
- The Technology is in the process of being deployed.
- The Technology has been purchased, but deployment has not yet begun.

- The deployment is conditional on the Technology earning QATT status.

The Department will assume that any Point of Contact you provide has been given permission to be contacted by DHS regarding your application.

If POCs are provided, please be advised that:

1. The SAFETY Act may make contact with persons that you list as having information to support the claims in your Application; however it is your responsibility to make sure that you have provided all information to support your Application at the time of submission. We suggest that you obtain written testimonials from your customers.
2. If you choose to supply points of contact because you believe that third-parties will be able to provide additional supporting information for which you do not have access (such as for example, classified reports, audits, vulnerability assessments, or other reports or data), remember to:
 - a) Be sure that the contact information you provide to us is current.
 - b) Notify your references that you have submitted a SAFETY Act application and that we may contact them.
 - c) Make sure that you are giving us the contact that will be able to provide the best information on the nature of the past sale or deployment, and on how your technology actually worked.
 - d) You may also supply contact information for third-parties, e.g., government officials, who might supply customer testimonials. These individuals should be able to supply actual knowledge of how your technology works and of its utility. We suggest that you obtain this information in writing.
 - e) For past sales, provide the contact information for any purchase referenced in D6.
 - f) For procurements, list the name and contact information for the procurement officer or similar person in charge of the contract, proposal, or Request for Proposal.

Item D6.3. Please provide information, if applicable, regarding how the United States Government or any State, local, or foreign Government has used or is using your Technology. You may also include information relating to your Technology's use by other entities and commercial deployments undertaken in coordination or conjunction with Federal, State, local, or foreign Governments.

Item D6.4. Please identify any determination made by Federal, State, or local Government officials that your Technology is effective and appropriate for the purpose of countering terrorism. Such determinations may have been made as part of Government procurement, licensing action, or in other contexts. Note: It may be very important and could significantly expedite your application if your Technology has been acquired or used (or is subject to an ongoing procurement) by the military, a Federal Government agency, or a

State, local, or foreign governmental entity. As appropriate, you should identify why the previously examined Technology is appropriate for countering acts of terrorism or limiting the harm such acts might otherwise cause.

Item D7. Seller

In certain instances, multiple corporate entities may appropriately be identified as a Seller of the subject Technology. For instance, the Seller of the QATT could include a parent company as well as subsidiaries or other affiliates. Your response will be used to properly identify the Seller(s) of the QATT. If you would like multiple entities to be considered a Seller of the QATT, please clearly and precisely identify each of these firms and identify their respective place of incorporation.

Item D8. Earliest Date of Sale

This information will be used to specify the earliest date of sale of the QATT to which the Designation shall apply. Please provide information on the significance of this date. If the date is more than five years prior to the date of application, please explain how you know your Technology has not significantly changed in that time frame.

Designation as a QATT

Under the SAFETY Act, the Secretary of the Department of Homeland Security will consider enumerated, non-exclusive criteria in evaluating a Technology for potential Designation as a QATT. The Act gives the Secretary discretion in determining whether to designate a particular technology as a QATT.

This section of the Application requests information that is necessary to evaluate your Technology. Attach your responses to this section as one attachment. Not all questions will be applicable to all types of technology. If a particular request or question does not seem relevant to your Technology, do not leave a question blank or merely refer to a previous response. Please contact the SAFETY Act Helpdesk to request clarification.

This section must be presented in a narrative format, referring to each section below. The ATT Details section should be written so that the reader may clearly understand what your Technology is, what it does, and how it operates. The narrative sections should consist of your claims about the capabilities, and effectiveness of your Technology in an anti-terrorism context. It is important that all of your claims are supported by relevant documentation in some manner. Depending on the nature of your technology, e.g., product vs. service, that support would normally include such items as case examples, test data, audits, assessments, reports, specification sheets, operating manuals, instructors manuals, performance reports, procedural manuals, and the like. It is vital that you cross reference the supporting documentation to each claim you make in order that our reviewers understand what material you wish us to evaluate. You should also provide a Table of Contents listing as a separate attachment which itself, lists your numbered attachments or exhibits.

Item D9. Description of your Technology

One of the most important parts of the application process is precisely defining the scope of your Technology for evaluation and Designation. In order for the Secretary to issue liability protections to your Technology, you must define with specificity what that Technology is – that is, what you provide to your customers when you sell that Technology, what it does, how it works, and what aspects of it are invariable from deployment to the next. Note: embellishments, marketing materials, and elements which cannot be substantiated in the rest of the application should not be included. This Description is an expansion of that which you provided in Items D.4 and D.5, and will encompass the legal description of your Technology for any award the Department may issue. In response to this section, include the following:

- Company name, business structure, additional sellers, and states of incorporation, as applicable;
- Name of the Technology;
- Nature of the Technology;
- Purpose or intent of the Technology;
- Description of how the Technology works;
- A statement of where the Technology is intended to be utilized, e.g., in the private sector, for the Federal government, for the military, etc.;
- A brief description (no more than two lines) of the type of terrorist attacks or attempted terrorism acts the Technology is expected to counter; and,
- The principal elements, systems, or components provided to customers (indicating, which components, if any, are optional)

The above elements as you provided in your Application will be translated into a concise description by the Office of SAFETY Act Implementation, as in the following example:

(Name of company, and any subsidiaries), a (State of Incorporation) company, provides the (Name of technology) which is designed to (Purpose of the technology). (Name of Technology) e.g., does this by (Briefly describe how it works) for (Place of deployment or type of customer). The Technology is used for the following anti-terror purpose(s) (type of threat). The Technology includes the following elements:

- *(list e.g., hardware and software)*
- *(list – e.g., integration services)*
- *(list- e.g., training and consultation)*

Note that for each component listed in your Technical Description, you must provide support of capability and effectiveness. Your description should answer the following questions:

- How and where may your Technology be used? If your Technology is a device, address what training, if any, is necessary to use your Technology. If your

Technology is a service, describe what types of facilities you might serve and how your Technology is tailored to providing anti-terrorism services at those locations.

- Scope of your Technology: Briefly list the underlying principles or properties that allow your Technology to perform its functions and achieve its purposes. If your Technology consists of devices, briefly explain the operational principles of those devices. If your Technology consists of services, explain how those services are implemented to ensure consistent quality wherever they are delivered and whether these services conform to recognized industry standards. If your Technology consists of software, explain the key features and algorithms. If your Technology consists of some other kind of product, briefly explain how you produce that product. This information will help the Department understand the precise scope of the Technology for which you are applying for SAFETY Act coverage. If your Technology Description encompasses too broad a scope, e.g., in areas of deployment or in threats countered, you may be asked to provide separate Applications.
- What are the important elements that make up your Technology? That is, what are the component processes, devices, software, or other contributing activities and technologies that will be included in your specification? How are they defined or delineated? Be aware that any ancillary components of your Technology that are identified in your specification (e.g., manuals, training, maintenance, etc.) should be supported in subsequent sections by sufficient information to evaluate them. What parts of your business, if any, are explicitly not included in this specification for purposes of this application?

Examples of component systems and activities of your Technology might include:

- Equipment
- Software
- Software design
- Personnel training and qualifications
- Staffing
- Algorithms
- Consulting services
- Systems integration services
- Decision support systems or services
- Maintenance contracts
- Periodic upgrades, post-deployment reviews
- Testing services
- Quality control features

If your Technology is primarily service-based, focus on describing the various activities and sub-processes that contribute to the overall delivery of your service(s). This information will help the Department understand the precise scope of your Technology.

In addition to describing what you do, you should also briefly describe any elements, processes, or activities that complement or interact with your Technology but that are not specifically part of the Technology in this application and may be supplied by the end-user. These might include other technologies you sell, activities performed by your customers, technologies provided by other vendors, or parts of the public infrastructure. This information will help the Department understand the precise scope of Technology you are establishing in this specification. If your Technology helps to integrate new components with legacy systems, please indicate that.

After developing this description, make sure that you refer back to it when developing support for Items D.10 and D.14.

Item D10. Deployment and Operation

Describe the steps involved in the course of developing, producing and providing your Technology to a customer. Using the Technology Description developed above; you should provide documented support of your capability to provide all elements of your Technology in these areas.

It is useful to begin by describing the sequence of steps involved in providing your Technology to a customer, from initial contact to final deployment. Focus your description on the process of producing and deploying your Technology, as opposed to the end result or the nature of any specific tangible deliverable. Where possible, include the estimated time required for each activity or step.

If your Technology involves physical products, your discussion might include elements such as:

- Manufacturing capabilities (where will the Technology be manufactured, are facilities in place, is there a manufacturing plan in place?)
- Production, including quality assurance, factory acceptance tests, manufacturing standards, and the like
- Installation and configuration plans, to include site acceptance tests
- Operation plans, operator instructions, and the like
- Training, including any user manuals or terms of use
- Maintenance and any maintenance records
- Monitoring
- Upgrade policies
- Warranties and service contracts
- Post-deployment quality control

If your Technology includes software or information technology, please include information such as:

- Software lifecycle development plans, including any verification, validation, and accreditation (VV&A)

- Software upgrade policies
- Network architecture information
- Network security information
- Network stress testing
- Customer input into user access

If your Technology involves services, your discussion might include (as relevant):

- Pre-deployment work such as, Customer requirements analysis or site surveys
Staffing requirements, documentation of expertise, hiring and vetting policies
- Operational plans, policies and procedures, including items such as: post orders and operational manuals
- Training, including: curriculum development, trainer's notes, handouts, testing materials, and presentation materials
- Post-delivery support and procedures
- Administrative and operational policy and procedure Documents
- Quality Control, to include: internal or independent audits, managerial oversight at the local and corporate level, policy revisions, learned lessons, etc.

Please see "Additional Attachments" below for instructions on supporting document and classified materials submission.

Item D11. Readiness for Sale

If your Technology is not yet being marketed, estimate the time before your Technology will be available for sale or will be sold at your planned maximum rate. You should include any anticipated delays due to funding, required marketing, required licenses or certifications, staffing, sub-contractor delays, etc.

If your Technology is already deployed, describe the deployments. Your description should include the circumstances and the nature of the deployment of your Technology. Provide sufficient information about the scope of the deployment that addresses the following questions: (1) has it already been deployed? (2) Is it being deployed? (3) Has it been purchased for deployment in the future? Information could also include the length of the deployment, the purpose of the deployment (testing versus general use), and the types of customers using the Technology.

Your response should include an estimate of the time frame before your Technology will be ready for sale or the time required for standing up a new deployment. This should include a discussion of your recruitment, hiring, screening and training procedures, as well as any procedures you use to retain your personnel. Relevant policies should be uploaded as Attachments. Please reference all Attachments and provide a Table of Contents.

Item D12. Magnitude of Risk

Please provide an assessment of the magnitude of risk to the public from the type of terrorist activities your Technology would counter. Your response should identify the types or categories of potential terrorist activities your Technology is intended to address. Your response should also present, to the extent practicable, estimates of the scope of the injury, property or other damage, economic loss, loss of life, or other harm, including financial harm, that could result from such terrorist activity. Additionally, please describe how the Technology has been deployed to date to counter such terrorist threats.

Item D13. Impact of SAFETY Act Designation

Please describe how your plans for selling or deploying your Technology would be affected should the SAFETY Act's system of risk and litigation management not be made available. Please describe how the Technology will be deployed in the future if SAFETY Act Designation is issued. Within the response, please address how current and future deployments of your Technology would be affected without SAFETY Act protections. To the extent possible, include the likely effects of the excessive costs of insurance on the price of the product, and the possible consequences thereof on development, marketing, manufacture, qualification, sale, transportation, use, operation, and support of the Technology.

Item D14. Effectiveness and Utility

The information you provide here should include information supporting your belief that your Technology can be a valuable counter terrorism tool. The kind of documentation you provide will depend on the nature of your Technology. You should support each element, sub-component, or model listed in the Technology Description which you provided in response to Item D.9. If you apply the same supporting information to multiple elements, sub-components, or models, please indicate why this is reasonable.

If your Technology is primarily a device or software product, your documentation should emphasize available developmental and operational test data that indicate the likely operating performance of that device or software. This could include performance in past deployments, independent test results, Government licenses or certifications, field tests (e.g. performance against simulated attacks), internal test data, customer studies, scientific studies of the techniques involved, industry reports, Government or military publications, or any other documentation or experience that suggests or supports the potential usefulness of your Technology. Please attach copies of any such reports, publications, or evidence by using the additional attachments sections that would facilitate analysis and evaluation of your Technology by Subject Matter Experts (SMEs). Please reference all attachments in your response and provide a Table of Contents in D.15.

If your Technology is primarily a service, your documentation should emphasize the quality of the process whereby that service is delivered and should include any available evidence of successful past deployments of a similar nature. In particular, you should provide or cite information that documents any of the following:

- The results of independent and internal company audits
- The results of operational or tabletop exercises pertaining to this Technology
- Case histories of successful deployments or specific incidents indicating effectiveness
- The repeatability of your processes for providing a core set of services prior to any site or customer specific customization.
- Your methods for monitoring your adherence to your processes and to industry standards, benchmarks or best practices.

The Department will not ordinarily conduct tests of your Technology for purposes of SAFETY Act evaluation or compare your Technology directly to other similar technologies. Reviewers will evaluate your Technology against the statutory criteria for Designation primarily on the basis of the information you provide. Accordingly, the information you provide in response to this question should be as comprehensive and thorough as possible. It may be very important and could significantly expedite your application if your Technology has been acquired or used (or is subject to an ongoing procurement) by the military, a Federal Government agency, or a State or local governmental entity. Procurements of your Technology by a foreign Government may be relevant.

Please provide an overview narrative relative to the effectiveness of your Technology, including references and summaries of supporting documentation. If you reference any material that is not publicly available, it should be included as an attachment to your application. If you refer to information provided elsewhere in your application, cite it by internal title, item number, and the name of the attachment. Even though your entire application will be treated as confidential, you may (but are not required to) specially mark those portions of your application which contain proprietary and/or business confidential information.

Please see “Additional Attachments” below for instructions on supporting documents and classified materials submission.

If POCs are provided as sources of information or testimonials, please indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, please be advised that:

1. The SAFETY Act may make contact with persons that you list as having information to support the claims in your Application; however it is your responsibility to make sure that you have provided all information to support your Application at the time of submission. Do not simply include a listing of your customers for DHS to contact. We suggest that you obtain written testimonials from your customers.
2. If you believe that third-parties will be able to provide additional supporting information for which you do not have access (such as for example, classified reports, audits, vulnerability assessments, or other reports or data), remember to:
 - a) Be sure that the contact information you provide to us is current.

- b) Notify your references that you have submitted a SAFETY Act application and that we may contact them.
- c) Make sure that you are giving us the contact that will be able to provide the best information on the nature of the past sale or deployment, and on how your technology actually worked.
- d) You may also supply contact information for third-parties, e.g., government officials, who might supply customer testimonials. These individuals should be able to supply actual knowledge of how your technology works and of its utility. We suggest that you obtain this information in writing.
- e) For past sales, provide the contact information for any purchase referenced in D6.
- f) For procurements, list the name and contact information for the procurement officer or similar person in charge of the contract, proposal, or Request for Proposal.

Item D15. Summary of QATT Qualifications

If you wish, you may use this item to summarize in broad terms why you believe your Technology qualifies for SAFETY Act Designation. Please provide whatever additional information that would be helpful to the Department in analyzing and evaluating your Technology. You may refer to the specific criteria of the Act, or suggest other relevant criteria, as you see fit. If you are providing attachments, please provide a Table of Contents.

If POCs are provided as sources of information or testimonials, please indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate what information we should expect from each POC.

Item D16. Insurance Data

Document any and all current insurance coverage that would be available to satisfy otherwise compensable third-party claims arising out of, relating to, or resulting from an act of terrorism were your Technology deployed in defense against, response to, or recovery from such an act and found to have caused harm. Please state whether such policy includes Terrorism Risk Insurance Act (TRIA) coverage, as amended, or other insurance policy(ies) provisions or endorsements that cover acts of terrorism. Please specify any relevant exclusions or cancellation provisions that would limit the availability of the current policies to satisfy third-party claims. Please also ensure that the insurance coverage for all of the Sellers listed in D7., is contained in the answers to the items below. In doing so, please be certain to specify whether the Seller(s) is/are the primary insured or an additional insured.

If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

Item D16.1. Current Insurance

For item 16.1a, provide the name of the company identified as the primary insured for the relevant current policy. If you are an additional insured instead of the primary policy holder, please identify the primary insured and each other firm identified as an additional named insured in item 16.1.b.

In item 16.1.k., specify the type of terrorism coverage provided under the referenced policy(ies) (e.g., Terrorism Risk Insurance Extension Act, as amended, other coverage, no terrorism exclusion). Please specify the overall and per-occurrence limits that would apply to the terrorism coverage.

Item D16.2. Unavailability of Insurance

The SAFETY Act provides that a Seller may not be required “to obtain liability insurance of more than the maximum amount of liability insurance reasonably available from private sources on the world market at prices and terms that will not unreasonably distort the sale price of Seller’s anti-terrorism technologies.” If you are unable to obtain appropriate insurance, please provide information concerning your attempts to obtain insurance coverage for your Technology (e.g., written communications from insurance companies or brokers explaining why your Technology cannot be insured). If insurance is available for terrorism events but at rates which would distort the sales price of your Technology, document the prices of that insurance and provide the relevant information to support how this would affect the price of your Technology. You may wish to contact OSAI with questions concerning what information would be most helpful to provide in response to this item. Note: The Department recognizes that the discussion of requisite insurance with an Applicant may require a number of communications while an application is pending. Thus, the question of whether a given premium would “distort the sales price” of a Technology might not arise when the Application is submitted. If the question does arise later in the process, the Applicant may submit appropriate information at that time.

Item D16.3. Insurance Point of Contact

Insurance Point of Contact. Provide a point of contact, including telephone number and e-mail address for someone authorized to discuss your company’s insurance information with the Department. This point of contact may be the same person identified in your registration statement and may be your counsel, insurance expert, or any other person with appropriate information.

Item D16.4. Revenue Projections

Please provide us with three (3)-year projected (prospective) revenue data for your Technology. The three-year period should include the current fiscal year, if incomplete, and two subsequent years (best estimate). If you do not have current year sales data for your Technology, please provide us with best estimate projections for the three years following the launch of the Technology. The SAFETY Act requires Sellers of anti-terrorism technologies to obtain liability insurance of such types and in such amounts to satisfy otherwise compensable third-party claims arising out of, relating to, or resulting from an act of terrorism when a Technology has been deployed in defense against, response to, or

recovery from an act of terrorism. Technology revenue projections are of particular relevance in the application process. This is true when questions arise as to whether insurance costs unduly distort the price of your Technology.

Item D16.5. Deployment

Your response should identify the types or categories of potential terrorist activities your Technology is intended to address. Your response should also present, to the extent practicable, estimates of the scope of damage, loss of life, or other harm, including financial harm, that could result from such terrorist activity. As noted in the question, describe in a brief statement how the deployment of your Technology as an anti-terrorism technology could expose your company to extraordinarily large or unquantifiable potential third-party liability, and the potential range of the liability (in U.S. dollars). We have found that use of a brief and concise scenario is a good means to indicate how your Technology could expose you to third-party claims in the event of an act of terrorism.

Item D17. Financial Data

Certain financial data may be used in the process for analyzing the appropriate amount of insurance coverage for your particular Technology. This is particularly true when questions arise as to whether insurance costs unduly distort the price of your Technology.

Accordingly, you may be asked to provide certain financial data to OSAI as part of your application. If this is the case, OSAI will not demand financial information when it is not necessary for a particular application, and will not disclose sensitive or proprietary information outside the application process. Applicants may wish to provide financial data relating exclusively to the Technology.

Item D17.1. It may be helpful to attach your latest financial statement. If you are a public company, your latest SEC 10-K annual report and SEC 10-Q quarterly report, together with any amendments thereto, should suffice. If your company is not publicly traded, you may choose to include the following information for the most recent fiscal year: income statement, statement of cash flow, and balance sheet as well as pro-forma financial statement. OSAI will seek additional and more specific information only when necessary for a particular application.

Additional Attachments

In the process of answering the questions above, you might find it useful to attach additional documents in support of your answers. These items can be included in your application by using the “Additional Attachments” feature. When answering the items above, it is appropriate to refer to attachments by name and or number. Examples of common attachments might include, but are not limited to, the following: test reports demonstrating the effectiveness of the Technology, operating manuals, training manuals, project/program management plans, quality assurance plans, quality control plans, copies of company certifications, results from pilot studies, testimonials from customers, and warranties.

Submitting Documents as Attachments:

Documents in support of your Application should be uploaded as Attachments together with a separate numbered Table of Contents document. Attachments should be individually labeled and or otherwise clearly identified. For ease of use, we prefer that documents are uploaded individually, rather than in a “Zip” file. Do not submit the ATT Details Narrative document in write-protected format since that information must be accessible to us for use in the creation of OSAI Program documentation. Ideally, attachments should be cross referenced in your narrative response, with clear indications of the purpose of the Attachment. It is usually unnecessary to upload third-party material, such as government training presentations, regulations or standards documents. You may refer to these documents in your narrative and provide an open-source link. For additional assistance in uploading documentation, or for further questions, please call the SAFETY Act Help Desk.

Submitting classified or sensitive data or information:

In cases where the effectiveness data, e.g., audits or testing, that you wish to have evaluated is classified or sensitive and is held by a third party; the Department will attempt to assist you in obtaining this information, however, you **MUST** facilitate the transfer of that data to the SAFETY Act office **PRIOR** to the submission of your Application. This means that you must notify the custodian of records for your customer of your Application to the SAFETY Act and that Department requires access to those records. Once you have completed this step, you must provide the Department with the name and contact information of the holder of these records. When a date has been set for the transfer of information, you may submit your Application. For further assistance call the SAFETY Act Help Desk.

Declaration for Written Submissions

An authorized agent of the Applicant must, in the presence of a Notary, sign and date this form before submitting it to OSAI. For electronic or Web submissions, follow the instructions provided at safetyact.gov.

CHAPTER 5. APPLICATION FOR SAFETY ACT CERTIFICATION

SAFETY Act Certification provides Sellers of a QATT with an additional measure of liability protection. The Sellers of QATTs that receive SAFETY Act Certification are entitled to all of the liability protections that accompany SAFETY Act Designation as well as the rebuttable presumption that the Government contractor defense applies to claims arising out of, relating to, or resulting from an act of terrorism. In addition, QATTs that received Certification will be placed on the Approved Products List for Homeland Security.

A Certification application may be submitted along with a Designation application or may be submitted after SAFETY Act Designation has been issued. However, a Technology may not receive Certification without having first received Designation.

To receive SAFETY Act Certification, the Department must conclude that the Technology “will perform as intended, conforms to the Seller’s specifications, and is safe for use as intended.”³

(Certification Application Form on following page)

³ 6 USC § 442(d)(2).

APPLICATION FOR SAFETY ACT CERTIFICATION

APPLICATION TYPE

C1. Type of Application. This application is a(n) *(choose one)*:

- ☐ Initial Application Filing for a Certification, please provide Designation Application ID#: _____
- ☐ Resubmission of a Previous Application for Certification, please provide Designation Application ID #: _____

EXPEDITED REVIEW

C2. Request for Expedited Review

In its discretion, the Department may identify categories of anti-terrorism technologies for which expedited processing may be granted. For example, the Department may conduct expedited processing for applications that are the subject of a pending or past Federal, State, or local procurement, which address a particular threat, involve particular types of anti-terrorism technologies, or do so for other reasons. Depending on the nature of the procurement, this may substantially expedite and simplify the application process. If you are requesting expedited review, please specify the basis for such a request, including, if applicable, information concerning an ongoing procurement. Such information should include the following:

- a. The name of procuring organization;
- b. Contact information for the relevant Government procurement officials;
- c. The related Request for Proposal (RFP) number or other official identifier of the procurement, if available; and
- d. Upcoming deadlines relating to the procurement (e.g., submission deadline, decision/contract award, etc.).

Please note if your application falls under a published DHS Notice of Expedited Processing and provide the reference number for such notice and a brief statement as to why your application falls within the scope of the Notice of the Expedited Processing. If you wish to provide other bases for expedited processing, please specify.

REGISTRATION INFORMATION

C3. Registration Status *(choose one)*:

- ☐ I am updating or correcting previous registration information.
- ☐ My previously provided registration information is still accurate:

C3.1. Seller Name: _____

CERTIFICATION

Respond to all items in this section in one attachment to this application. Additional supporting material may be attached as an appendix to your application.

- C4.** Performs as Intended. Define what it means for your Technology to perform as intended, and provide information and/or data establishing that your Technology performs as intended. This information may be the same as, or in addition to, information provided for an Application for SAFETY Act Designation.

If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

☐ The POCs are expecting contact from DHS. The information the POC can provide or verify is:

- C5.** Conforms to Seller's Specifications. Describe the processes and procedures you use to ensure that each sale of your Technology conforms to the applicable specifications. If your Technology was or is involved in a Government procurement, acceptance of the Technology by the Government and related testing may be highly relevant here. Provide available documentation demonstrating that your Technology conforms to established specifications.

If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

☐ The POCs are expecting contact from DHS. The information the POC can provide or verify is:

- C6.** Safe for use as intended. Provide available analyses evidencing that the Technology is safe for use as intended. Please note any known or suspected hazards or safety risks associated with your Technology. Please provide safety and hazard analyses for your Technology.

ADDITIONAL ATTACHMENTS

Provide additional supporting documentation.

DECLARATION FOR WRITTEN SUBMISSIONS

I declare, to the best of my knowledge and belief, that the information provided in response to the questions set forth in this Application for SAFETY Act liability protections is true, factual, and correct, and that I am an authorized agent of the Applicant.

Prepared By: _____ Title (if applicable): _____

Signature: _____ Date: ____/____/20__

The signature of the Preparer must be notarized below:

State of: _____ County of: _____

Subscribed and sworn before me
this _____ day of _____

Notary Public: _____

My Commission Expires
on: _____

Instructions for Completing Certification Application Form:

Application Type

Item C1. Type of Application

If you have not previously filed an Application for SAFETY Act Certification for this Technology, check “Initial Filing.”

If you have previously applied for SAFETY Act Certification for this Technology, check the second box: “Resubmission of Previous Application for Certification.” This case applies if any previous applications for this Technology were found to be incomplete, were withdrawn, or were declined. Previously incomplete or declined applications will not adversely affect the evaluation of your current application. This information is requested for administrative and record-keeping purposes only.

Expedited Review

Item C2. Expedited Review

In its discretion, the Department may identify categories of anti-terrorism technologies for which expedited processing may be granted. For example, the Under Secretary may conduct expedited processing for applications that are the subject of a pending or past Federal, State, or local procurement, which address a particular threat, that involve particular types of anti-terrorism technologies, or for other reasons. If you are requesting an expedited review, please specify the appropriate basis for expedited treatment of your application.

If your Technology is the subject of a pending Government procurement or if you are planning to submit a proposal for a procurement decision in the near future, provide the following information to the extent available:

- a. Name of procuring organization;
- b. Contact information for relevant Government procurement officials;
- c. Related Request for Proposal (RFP) number or other official identifier of the procurement; and
- d. Upcoming deadlines relating to the procurement (e.g., submission deadline, decision/contract award, etc.).

If your request to expedite falls under a published DHS Notice of Expedited Processing, please provide such notice’s reference number and follow the instructions set forth in the announcement.

If your request to expedite is not related to procurement, please provide the basis for your request and provide available supporting information.

Registration Information

Item C3. Registration Information

Please check the appropriate box relating to your registration status.

Item C3.1. Name of Seller/Applicant

Enter your Seller name as listed on your registration form.

Certification as an Approved Product for Homeland Security

Just as in the Application for Designation's "ATT Details" Section, you should respond to the following items in a single attachment as a narrative response. Each item requires an affirmative response. Just as in the Application for Designation, it is vital that you cross reference the supporting documentation to each claim you make in order that our reviewers understand what material you wish us to evaluate. Documentation in support of certification items should be included in the Table of Contents for exhibits attachment for the Designation Application.

Do Not:

- Simply list a point of contact with the intent that DHS will seek out information on your behalf. It is your responsibility to provide all information which supports the capability and effectiveness of your Technology at the time of your submittal. While we may be able to obtain some information in a timely fashion, failure to take the appropriate steps to ensure transmittal of this information could result in a delay in the processing of your application or an unfavorable evaluation result.
- Simply list or refer to previous sections in response, e.g. "See Item D.9 in the Designation Application". We have no way of knowing what information you are actually referring to in a previous item which provided support for an item in the Certification Application. Also bear in mind, that while some questions may appear duplicative, all application items are targeted to specific criterion, and each require a response. You may refer to previously stated information; however, ***you must indicate its specific relevance to the new question.***

Item C4. Performs as Intended

Provide support for the claim that your Technology will perform as intended. Explain what it means for your Technology to perform as intended and include information demonstrating that the Technology will, under reasonable circumstances, consistently perform as intended over time. This information may be the same as, or in addition to, information provided for an application for SAFETY Act Designation.

The kind of documentation you should provide will depend on the nature of your Technology. If your Technology is primarily a device or software product, then your documentation should emphasize the likely operating performance of that device or software. This will require that you demonstrate that your Technology is effective for its

intended use AND that it will perform reliably. You may consider providing information regarding the continuing ability of your Technology to perform and be used in accordance with specifications. Such specifications could include, for instance, elements such as detection limits, mean time between failures, probability of detection, false positive/negative rates, or other metrics. You may include, for instance, any Government acceptance testing, third-party evaluations, or other objective data. Measures of effectiveness include evidence of quality control plans, reliability data, evidence of reproducibility between deployments, and evidence that customers can install, use, and maintain the system. This might include procedures to test your Technology over time. The Technology might also have defined performance specifications that are consistently met while the Technology is in operation.

If your Technology is primarily a service, you should provide information on the effectiveness of the core capabilities of the service. Combined with the information that you have provided in your Application for Designation in item D.14 related to effectiveness, this item is a look at the future or continued effectiveness of your Technology. Information that should be provided in support would include all measures employed to ensure the consistency of your Technology, such as:

- Quality control plans and policies
- Periodic testing
- Continuing education policies

Information supporting the effectiveness of your service could include such items as sound quality assurance processes, internal or external auditing services to ensure that the processes remain current, performance review strategies, employee screening procedures and certification requirements, documented practices of updating employee training, processes for maintaining currency of training and intelligence information, and similar factors. If you have successfully deployed the Technology or a substantially similar project multiple times with success (i.e., testimonials, independent assessments, etc.), then you may provide this information as evidence of the performance of your Technology. You may, when applicable, demonstrate reproducibility by adherence to well-recognized national or international standards.

You may include, as an attachment to your application, the supporting or referenced material that is not publicly available. If you refer to information provided elsewhere in your application, cite it by internal title, item number, or the name of the attachment.

If POCs are provided as sources of information or testimonials, please indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology.

Also, please be advised that:

1. The SAFETY Act may make contact with persons that you list as having information to support the claims in your Application; however it is your responsibility to make sure that you have provided all information to support

- your Application at the time of submission. Do not simply include a listing of your customers for DHS to contact. We suggest that you obtain written testimonials from your customers.
2. If you believe that third-parties will be able to provide additional supporting information for which you do not have access (such as for example, classified reports, audits, vulnerability assessments, or other reports or data), remember to:
 - a) Be sure that the contact information you provide to us is current.
 - b) Notify your references that you have submitted a SAFETY Act application and that we may contact them.
 - c) Make sure that you are giving us the contact that will be able to provide the best information on the nature of the past sale or deployment, and on how your technology actually worked.
 - d) You may also supply contact information for third-parties, e.g., government officials, who might supply customer testimonials. These individuals should be able to supply actual knowledge of how your technology works and of its utility. We suggest that you obtain this information in writing.
 - e) For procurements, list the name and contact information for the procurement officer or similar person in charge of the contract, proposal, or Request for Proposal.

Item C5. Conforms to Seller's Specifications

Provide support for the claim that your Technology conforms (and will continue to conform) to the applicable specifications. For products, technical specifications should include those items that are invariable from deployment to deployment, such as size, weight, or services provided with the sale of the product (maintenance, warranties, etc.).

Consideration should be given to factors such as compliance with manufacturing standards, factory acceptance testing procedures, site acceptance testing procedures, quality control processes and procedures, and quality assurance plans. Government acceptance of your Technology and related testing may be highly relevant to these areas.

For services, specifications might consist of the processes and procedures that dictate the implementation of the service. Such processes could be given in a standard operating procedure document or a process manual. You might also supply this support through a "Statement of Work" or through a response to a "Request for Proposal." Additionally, you should provide information that a process is in place to ensure conformity with those specifications, such as a well-defined quality assurance plan or adherence to applicable industry standards. In cases where standards do not exist or apply, you should show some mechanism to ensure conformity with specifications, such as periodic internal or external reviews of the service's fundamental processes. Again, Government acceptance/use of your Technology may be highly relevant.

Your response may consist of an overview narrative including references and summaries of supporting documentation. You may include as an attachment to your application any of the supporting or referenced material that is not publicly available. The Department requires

this information to perform its comprehensive review of the design of your Technology to determine whether it conforms to your specifications.

If POCs are provided as sources of information or testimonials, please indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. See instructions for C.4 for more information on POCs.

Item C6. Safe for Use as Intended

This item is intended to understand all potential safety risks of your technology for the Seller, end-user, and for bystanders. Just because a technology appears to be risk free, e.g., training, for example, does not mean that it might not carry a hazard. Please provide information that your Technology is safe for use as intended. Provide a safety and hazard analysis for your Technology.

The SAFETY Act (6 USC § 442(d)(2)) requires that the Seller conduct and provide to the Department safety and hazard analyses for the Technology being considered for SAFETY Act Certification. Your safety and hazard analyses should discuss:

- Documentation pertaining to the safety of your Technology.
- Known hazards associated with any part of the lifecycle of your Technology.
- Any potential hazards to your employees.
- Any potential hazards to the purchasers or operators of your Technology.
- Any potential hazards to third parties.
- Potential hazards arising from the Technology's deployment in the event of an act of terrorism.
- Potential hazards arising in the event of a false alarm.
- Potential hazards arising from improper deployment, use, or maintenance of the Technology.

Your response may also include an overview narrative, including references and summaries of supporting documentation. You may include, as an attachment to your application, any of the supporting or referenced material that is not publicly available.

It is important that you supply information that indicates your understanding of any inherent safety hazards connected with the sale or operation of your Technology and the steps that you have taken to mitigate those hazards. Information which might be useful could include safety warning labels, training, and safety policies and procedures.

Additional Attachments

In the process of answering the questions above, you might find it useful to attach additional documents in support of your answers. These items can be included in your application by using the "Additional Attachments" feature. When answering the items above, it is appropriate to refer to attachments by name and/or number. Examples of common attachments might include, but are not limited to, the following: test reports demonstrating the effectiveness of the Technology, operating manuals, training manuals, project/program

management plans, quality assurance plans, quality control plans, copies of test reports demonstrating effectiveness, results from pilot studies, testimonials from customers, and warranties. The Department will also accept any supplementary information concerning your Technology that you feel will be helpful to the Department in analyzing your Technology.

Submitting Documents as Attachments:

Documents in support of your Application should be uploaded as Attachments together with a separate numbered Table of Contents document. Attachments should be individually labeled and or otherwise clearly identified. For ease of use, we prefer that documents are uploaded individually, rather than in a “Zip” file. Ideally, attachments should be cross referenced in your narrative response, with clear indications of the purpose of the Attachment. It is usually unnecessary to upload third-party material, such as government training presentations, regulations or standards documents. You may refer to these documents in your narrative and provide an open-source link. For additional assistance in uploading documentation, or for further questions, please call the SAFETY Act Help Desk.

Submitting classified or sensitive data or information:

In cases where the effectiveness data, e.g., audits or testing, that you wish to have evaluated is classified or sensitive and is held by a third party; the Department will attempt to assist you in obtaining this information, however, you **MUST** facilitate the transfer of that data to the SAFETY Act office **PRIOR** to the submission of your Application. This means that you must notify the custodian of records for your customer of your Application to the SAFETY Act and that Department requires access to those records. Once you have completed this step, you must provide the Department with the name and contact information of the holder of these records. When a date has been set for the transfer of information, you may submit your Application. For further assistance call the SAFETY Act Help Desk.

Declaration for Written Submissions

An authorized agent of the Applicant must, in the presence of a Notary, sign and date this form before submitting it to OSAI. For electronic or Web submissions, follow the instructions provided at safetyact.gov.

CHAPTER 6. APPLICATION FOR SAFETY ACT DEVELOPMENTAL TESTING AND EVALUATION DESIGNATION

To encourage the development of anti-terrorism technologies, the SAFETY Act is implementing regulations to provide for the issuance of Developmental Testing and Evaluation Designations (DT&E Designations) for promising anti-terrorism technologies. DT&E Designation facilitates the deployment of these anti-terrorism technologies in the field either for testing and evaluation purposes or in response to exigent circumstances by providing, on a limited basis, the liability protections offered by the SAFETY Act. Depending on the nature and/or the maturity of the Technology, operational or other conditions may be included among SAFETY Act liability protections. DT&E Designations are intended to provide the Department with added flexibility in making the SAFETY Act liability protections available to firms that are developing promising anti-terrorism technologies.

(DT&E Designation Form on following page)

APPLICATION FOR SAFETY ACT DEVELOPMENTAL TESTING AND EVALUATION DESIGNATION

APPLICATION TYPE

TE1. Type of Application. This application is a(n) *(choose one)*:

- ☐ Initial Filing
- ☐ Application following a Pre-Application Consultation Application ID #: _____
- ☐ Resubmission of a Previous Application. Application ID #: _____

TE1.1. Public Web site Listing

If your Technology is awarded SAFETY Act coverage, you have the opportunity to be listed on the SAFETY Act Web site as a Designated Seller of anti-terrorism technologies. [For example, if you apply for Designation and Certification and receive Designation, your Technology will be listed under Designated Technologies. Or, if you are granted DT&E Designation, regardless of which protection you applied for, you will be so listed on the Web site. Note: By statute, all Certified Technologies will be displayed in the Approved Products List for Homeland Security on the Web site.]

- ☐ I wish to have this Technology listed on the public Web site under the appropriate classification.
- ☐ I do not wish to have this Technology listed on the public Web site under the appropriate classification.

REGISTRATION INFORMATION

TE2. Registration Status *(choose one)*:

- ☐ My initial registration is included with this application.
- ☐ I am updating or correcting previous registration information.
- ☐ My previously provided registration information is still accurate.

TE2.1. Seller Name: _____

OVERVIEW OF THE ANTI-TERRORISM TECHNOLOGY

TE3. Non-proprietary Summary

TE3.1. Name of your Technology: _____

TE3.2. Company and Technology Description. Provide an overview of your company, including the place of incorporation, a description of your business, and a brief, two line description of the Technology that is the subject of this application that is appropriate for public viewing.

TE4. Summary of your Technology. Please provide a brief (no more than two pages) description of your Technology, listing all components that you wish to have evaluated as part of your SAFETY Act application. If your Technology is a product or device, please describe the Technology in detail, including its principal elements, systems, and components. If your Technology is a service, please describe the nature of the service, the actions, activities, planning, training, and/or expertise involved in providing the service and how the service is designed to counter terrorist threats.

DEVELOPMENTAL TESTING AND EVALUATION DESIGNATION

Respond to all items in this section in one attachment to this application. Additional supporting material may be attached as an appendix to your application.

TE5. Description of your Technology. One of the most important parts of the application process is defining the scope of your Technology. In this section, define your Technology with a sufficient degree of specificity. This description will serve as the basis for the Department’s analysis of your Technology for SAFETY Act purposes. The content of the response you provide in this section, together with any additional information you may be asked to provide, may be used to finalize the definition and scope of your Technology as it will appear in a Developmental Testing and Evaluation Designation.

TE6. Nature of Test Scenario. Please provide an outline of the test plan for the subject Technology. The outline may include the nature of the test, the entity that will conduct the test, relevant time frames, proposed test methodology, location of the test, summary rationale for conducting the test, and any other information that you wish to provide.

- TE7.** Deployment and Operation. Describe the sequence of steps involved in deploying and operating your Technology.
- TE8.** Magnitude of Risk. Please provide an assessment of the magnitude of risk to the public from the type of terrorist activities your Technology would counter. Please describe, to the extent practicable, the scope of the injury, property and other damage, economic loss, loss of life, or other harm that could result from such terrorist activity. Please describe how the Technology has been deployed to date and how it can counter terrorist activities. If the Technology has not yet been deployed, summarize the prototype testing or other testing that has been conducted to date.
- TE9.** Please describe how your plans for selling, deploying, or maintaining your Technology would be affected if the Department does not issue Developmental Testing and Evaluation (DT&E) Designation. Please describe how the Technology will be deployed in the future if SAFETY Act DT&E Designation is issued.
- TE10.** Effectiveness and Utility. Provide information supporting the potential for your Technology to be effective in countering potential acts of terrorism.

If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

☐ The POCs are expecting contact from DHS. The information the POC can provide or verify is:

- TE11.** Summarize your Technology's qualifications for SAFETY Act Developmental Testing and Evaluation Designation. Include any other information the Department should consider in evaluating your anti-terrorism technology. Please include information relating to interest by governmental entities in testing or provisionally deploying your Technology.

If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

☐ The POCs who are expecting contact from DHS. The information the POC can provide or verify is:

TE12. Insurance Data

If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

☐ The POCs are expecting contact from DHS. The information the POC can provide or verify is:

TE12.1. Please provide the information below for any and all current liability insurance policies that you hold and are available to satisfy otherwise compensable third-party claims arising out of, relating to, or resulting from an act of terrorism were your Technology deployed in defense against, response to, or recovery from such an act:

- a. Primary Named Insured (as it appears on your insurance policy).
- b. Additional named insured relevant to the Technology Sellers.
- c. Type of policy(ies) (e.g., Comprehensive General Liability, Errors and Omissions, Aviation, Product Liability, SAFETY Act Liability, etc.) and any relevant endorsements.
- d. Policy Dates. (Start and end)
- e. Insurer.
- f. Per-occurrence limits.⁴
- g. Aggregate limits.
- h. Annual Premium(s).⁵
- i. Deductible(s) or Self-insured retentions.

⁴ Please indicate whether the policy(ies) has a different limit or deductible/self-insured retention for terrorist acts than the general policy limit and, if so, provide both.

⁵ Insurance premium: If possible, please indicate what percentage of the premium is allotted to coverage for acts of terrorism.

- j. Exclusions *(please note and explain any pertinent insurance exclusions or cancellation terms that would potentially dilute or eliminate the availability of coverage of any of the policies identified in subparagraph “c” above)*.
- k. Does your insurance policy(ies) cover the type of developmental test and evaluation and activities anticipated in this application? If yes, please describe.
- l. Please describe the type and limits of terrorism coverage for this policy. Please elaborate on the applicability of the policies identified in subparagraph “c” to address the foreseeable risks associated with the deployment of the Technology including those risks arising from the deployment of the Technology in advance of or response to an act of terrorism. Please also indicate whether the identified policy(ies) provides coverage under the Terrorism Risk Insurance Act (TRIA) of 2002, as amended, or other insurance policy(ies) provisions or endorsements.
- m. Please describe whether the relevant policy(ies) covers SAFETY Act claims and whether the policy(ies) has a dedicated limit that applies to SAFETY Act claims only or has a shared limit (i.e., shared with non-SAFETY Act claims). Please indicate whether you have received a written interpretation letter from either the carrier or insurance broker indicating whether the policy covers SAFETY Act claims; if so, please provide a copy of such document.
- n. Is your Technology indemnified by a third-party organization or entity (including the U.S. Government) for the test and evaluation described in this application? If so, please describe the key terms and conditions and limits of indemnification.

TE12.2. Unavailability of Insurance

- a. If you do not currently carry insurance for the Technology that would be applicable in the event of an act of terrorism, please indicate the reasons. If you have attempted to purchase insurance but it is not available on the world market, please indicate the specific and related inquiries you have made. (You may submit written communications from insurance companies or brokers explaining why your Technology cannot be insured.)
- b. If you have endeavored to purchase insurance but have not done so because you have concluded that the cost of insurance premiums would unreasonably distort the price of the Technology, please describe those efforts to find appropriate insurance and state why you have concluded that the cost of insurance for your Technology would unreasonably distort its sales price. In this context, you may need to provide an explanation with relevant documentation (e.g., insurance quotes with limits, premiums, exclusions, and other key items plus other relevant financial and market data). **Note: The Department recognizes that the discussion of requisite insurance with an Applicant may require a number of communications while an application is pending. Thus, the question of whether a given premium would “distort the sales price” of a Technology might not arise when the application is submitted. If the question does arise later in the process, the Applicant may submit appropriate information at that time.**

TE12.3. Insurance Point of Contact

Provide a point of contact, including telephone number and e-mail address for someone authorized to discuss your company's insurance information with the Department. This point of contact may be the same person identified in your registration statement and may be your counsel, insurance expert, or any other person with appropriate information.

TE12.4. Revenue Projection

In order for us to determine the amount of insurance that would not unreasonably distort the sales price of your Technology, we need you to provide us with three (3)-year projected (prospective) revenue estimates for your Technology - all assuming that your Technology is approved under the SAFETY Act. The three-year period should include your current fiscal year, if incomplete, and two subsequent years.

If you do not have current year sales for your Technology, please provide us with three (3)-year projected revenue data.

The revenue data needs only to pertain to your Technology and the numbers need only be summarized data (that is, we do not require the revenue sources to be itemized). The revenue data should be matched with summarized cost data (e.g., cost of goods sold); as with the revenue data, we do not require breakdown of data by cost centers.

TE12.5. Deployment

Please establish how the deployment of your Technology as an anti-terrorism technology would expose you to extraordinarily high liability and what this liability might be. This can be accomplished by developing a plausible scenario that establishes how the Technology could be the proximate cause of third-party claims in the event of an act of terrorism. Please make the scenario and third-party liability claims specific to the deployment and use of your Technology.

TE13. Financial Data

Certain financial information regarding your company and projected/prospective technology revenue is particularly relevant to the application process. This is especially true when questions arise as to whether insurance costs for specified coverage limits unduly distort the price of your Technology. We may request additional information from the Applicant, if necessary, during the application process.

TE13.1. Please provide a copy of the Seller's financial statement for the most recent fiscal year. For public companies, the most recent SEC annual report (Form 10-K) and SEC quarterly report (Form 10-Q), together with any amendments thereto, should suffice. For non-publicly traded companies, you may choose to include the following information for the most recent fiscal year: income statement, statement of cash flow, and balance sheet as well as pro forma financial statement. OSAI will seek additional and more specific information only when necessary for a particular application.

ADDITIONAL ATTACHMENTS

Provide all supporting documentation.

DECLARATION FOR WRITTEN SUBMISSIONS

I declare, to the best of my knowledge and belief, that the information provided in response to the questions set forth in this Application for SAFETY Act liability protections is true, factual, and correct, and that I am an authorized agent of the Applicant.

Prepared By: _____ Title (if applicable): _____

Signature: _____ Date: ____/____/20__

The signature of the Preparer must be notarized below:

State of: _____ County of: _____

Subscribed and sworn before me
this _____ day of _____

Notary Public: _____

My Commission Expires
on: _____

Instructions for Completing the Developmental Testing and Evaluation Designation Application Form:

Application Type

Item TE1. Type of Application

If you have not previously filed an Application for SAFETY Act liability protections for this Technology or have not filed a request for Pre-Application Consultation, check “Initial Filing.”

If you have filed a request for Pre-Application Consultation regarding this Technology but have not previously filed an Application for SAFETY Act liability protections, check the second box: “Application following a Pre-Application Consultation.”

If you have previously applied for SAFETY Act liability protections for this Technology, check the third box: “Resubmission of Previous Application.” This case applies if any previous applications for this Technology were withdrawn, found to be incomplete, or were declined. Previously incomplete or declined applications will not affect the evaluation of your current application; this information is requested for administrative and record-keeping purposes only.

Registration Information

Item TE2. Registration Information

Please check the appropriate box relating to your registration status.

Item TE2.1. Name of Applicant/Seller

Enter your Seller name as listed on your registration form.

Overview of the Anti-Terrorism Technology

Item TE3. Non-Proprietary Summary

Item TE3.1. If this is the first application for this Technology, assign a name to your Technology. This is the name that will appear on Developmental Testing and Evaluation Designation that may be issued.

Item TE3.2.

The purpose of this item is to help the Department recognize potential conflicts of interest and to avoid disclosing your application information to inappropriate evaluators. The Department is committed to protecting your sensitive business data from improper disclosure.

Provide a brief description of your company, including place of incorporation, a description of your business, and the Technology that is the subject of the Application. When describing your company, focus on identifying any affiliates that will be involved with your Technology (e.g., parent companies, subsidiaries, joint venture partners, holding companies, etc.). When describing your Technology, focus on providing information that will help the Department identify which Subject Matter Experts (SMEs) would be best qualified to evaluate your Technology. This description should be no more than two sentences long and should be appropriate for placement on a public Web site if your application is approved.

The purpose of the company description and Technology description is to help the Department recognize potential conflicts of interest and avoid disclosing your application information to inappropriate evaluators. The Department is committed to protecting your sensitive business data from improper disclosure. Do not include any sensitive or proprietary information in this summary. If you wish to include information on substantially similar QATTs or provide information regarding who your major competitors are with respect to the subject Technology, you may do so.

Item TE4. Nature of Your Technology

Please describe the nature of your Technology in two pages or less. The SAFETY Act applies to a broad range of anti-terrorism technologies. In your response to the question please describe whether your application is for an anti-terrorism product, service, combination of products and services, information technology, or some other form of intellectual property. If your Technology is a product or device, please describe the Technology in detail, including its principal elements, subsystems, and components. If your Technology is a service, please describe the nature of the service, the actions, activities, planning, training, and/or expertise involved in providing the service and how the service is designed to counter terrorist threats. If your Technology is an “integrator” of various products, services, or legacy systems, indicate how the Technology will integrate the various component parts.

Developmental Testing and Evaluation Designation

Under the SAFETY Act, the Secretary of the Department of Homeland Security will consider enumerated, non-exclusive criteria when evaluating a Technology for potential Developmental Testing and Evaluation Designation. The Act gives the Secretary discretion in determining whether to issue a Developmental Testing and Evaluation for a Technology.

This section of the Application requests information that is necessary to evaluate your Technology. Attach your responses to this section as one attachment. Not all questions will be applicable to all types of technology. If a particular request or question does not seem relevant to your Technology, do not leave a question blank or merely refer to a previous response; explain why you do not think it is relevant in your response for that item.

This section must be presented in a narrative format, referring to each section below. The ATT Details section should be written so that the reader may clearly understand what your Technology is, what it does, and how it operates. The narrative sections should consist of

your claims about the capabilities, and effectiveness of your Technology in an anti-terrorism context. It is important that all of your claims are supported by relevant documentation in some manner. Depending on the nature of your technology, e.g., product vs. service, that support would normally include such items as case examples, test data, audits, assessments, reports, specification sheets, operating manuals, instructors manuals, performance reports, procedural manuals, and the like. It is vital that you cross reference the supporting documentation to each claim you make in order that our reviewers understand what material you wish us to evaluate. You should provide a Table of Contents listing as a separate attachment which itself, lists your numbered attachments or exhibits.

Item TE5. Description of your Technology

One of the most important parts of the application process is precisely defining the scope of your Technology for evaluation and Designation. In order for the Secretary to issue liability protections to your Technology, you must define with specificity what that Technology is – that is, what you provide to your customers when you sell that Technology, what it does, how it works, and what aspects of it are invariable from deployment to the next. Note: embellishments, marketing materials, and elements which cannot be substantiated in the rest of the application should not be included. In response to this section, include the following:

- Company name, business structure, additional sellers, and states of incorporation, as applicable;
- Name of the Technology;
- Nature of the Technology;
- Purpose or intent of the Technology;
- Description of how the Technology works;
- A statement of where the Technology is intended to be utilized, e.g., in the private sector, for the Federal government, for the military, etc.;
- A brief description (no more than two lines) of the type of terrorist attacks or attempted terrorism acts the Technology is expected to counter; and,
- The principal elements, systems, or components provided to customers (indicating, which components, if any, are optional)

The above elements as you provided in your Application will be translated into a concise description by the Office of SAFETY Act Implementation, as in the following example:

(Name of company, and any subsidiaries), a (State of Incorporation) company, provides the (Name of technology) which is designed to (Purpose of the technology). (Name of Technology) e.g., does this by (Briefly describe how it works) for (Place of deployment or type of customer). The Technology is used for the following anti-terror purpose(s) (type of threat). The Technology includes the following elements:

- *(list e.g., hardware and software)*
- *(list – e.g., integration services)*

- *(list- e.g., training and consultation)*

After developing your description, you should refer back to key sub-components or services when developing support for your ability to provide each part of your Technology. Your description should answer the following questions:

- How and where may your Technology be used? If your Technology is a device, address what training, if any, is necessary to use your Technology. If your Technology is a service, describe what types of facilities you might serve and how your Technology is tailored to providing anti-terrorism services at those locations.
- Explain the underlying principles or properties that allow your Technology to perform its functions and achieve its purposes. If your Technology consists of devices, explain the operational principles of those devices. If your Technology consists of services, explain how those services are implemented to ensure consistent quality wherever they are delivered and whether these services conform to recognized industry standards. If your Technology consists of software, explain the key features and algorithms. If your Technology consists of some other kind of product, explain how you produce that product. This information will help the Department understand the precise scope of the Technology for which you are applying for SAFETY Act coverage.
- What are the important elements that make up your Technology? That is, what are the component processes, devices, software, or other contributing activities and technologies that will be included in your specification? How are they defined or delineated? Be aware that any ancillary components of your Technology that are identified in your specification (e.g., manuals, training, maintenance, etc.) should be supported in subsequent sections by sufficient information to evaluate them. What parts of your business, if any, are explicitly not included in this specification for purposes of this application?

Examples of component systems and activities of your Technology might include:

- Equipment
- Software
- Software design
- Personnel training and qualifications
- Staffing
- Algorithms
- Consulting services
- Systems integration services
- Decision support systems or services
- Maintenance contracts
- Periodic upgrades, post-deployment reviews
- Testing services
- Quality control features

If your Technology is primarily service-based, focus on describing the various activities and sub-processes that contribute to the overall delivery of your service(s). This information will help the Department understand the precise scope of your Technology.

In addition to describing what you do, you should also describe any elements, processes, or activities that complement or interact with your Technology but that are not specifically part of the Technology in this application and may be supplied by the end-user. These might include other technologies you sell, activities performed by your customers, technologies provided by other vendors, or parts of the public infrastructure. This information will help the Department understand the precise scope of Technology you are establishing in this specification. If your Technology helps to integrate new components with legacy systems, please indicate that.

Item TE6. Nature of Test Scenario

Please provide us with a test plan or a detailed test strategy. The test plan or strategy should include the nature of the test (e.g., field study, lab study, pilot program participation), the entity that will conduct the test (e.g., internal, private third-party, Government sponsor), time frame and discussion of the adequacy of the length of the test, proposed test methodology, location of the test, and summary rationale for conducting the test. Please include information relating to Government or Government-sponsored testing of your Technology. Your test strategy or plan should also address the expected outcomes of the test, how the test metrics collected will demonstrate the effectiveness of your Technology, and the expected test product (report, briefing, etc.).

Keep in mind that the purpose of a DT&E Designation is to allow you to collect information that will support the effectiveness of your Technology in a Designation application. What do you expect to be able to deliver to the Department at the end of your DT&E Designation that will allow us to make a determination about the effectiveness of your Technology? If you are providing services or support services, will you be developing process documents? How will you implement these plans?

Item TE7. Deployment and Operation

Describe the steps involved in the course of developing, producing and providing your Technology to a customer. Using the Technology Description developed above, you should provide **documented support** of your capability to provide all elements of your Technology in these areas.

It is useful to begin by describing the sequence of steps involved in providing your Technology to a customer, from initial contact to final deployment. Focus your description on the process of producing and deploying your Technology, as opposed to the end result or the nature of any specific tangible deliverable. Where possible, include the estimated time required for each activity or step.

If your Technology involves physical products, your discussion might include elements such as:

- Manufacturing capabilities (where will the Technology be manufactured, are facilities in place, is there a manufacturing plan in place?)
- Production, including quality assurance, factory acceptance tests, manufacturing standards, and the like.
- Installation and configuration plans, to include site acceptance tests
- Operation plans, operator instructions, and the like
- Training, including any user manuals or terms of use
- Maintenance and any maintenance records
- Monitoring
- Upgrade policies
- Warranties and service contracts
- Post-deployment quality control

Where your Technology includes software or information technology, please include information such as:

- Software lifecycle development plans, including any verification, validation, and accreditation (VV&A)
- Software upgrade policies
- Network architecture information
- Network security information
- Network stress testing
- Customer input into user access

Where your Technology involves services, your description might include (as relevant):

- Customer requirements analysis
- Determining scope of effort
- Operation plans, including items such as post orders, statements of work, and management plans
- Implementation plans
- Post-delivery support
- Process and Procedure Documents
- Quality Control, to include any independent or third-party audits, managerial oversight at the local and corporate level, policy revisions, lessons learned, etc.

Please see “Additional Attachments” below for instructions on supporting documents and classified materials submission.

Item TE8. Magnitude of Risk

Please provide an assessment of the magnitude of risk to the public from the type of terrorist activities your Technology would counter. Your response should identify the types

or categories of potential terrorist activities your Technology is intended to address. Your response should also present, to the extent practicable, estimates of the scope of the injury, property or other damage, economic loss, loss of life, or other harm, including financial harm, that could result from such terrorist activity. Additionally, please also describe how the Technology has been deployed to date, if applicable to counter terrorist threats.

Item TE9. Impact of SAFETY Act Designation

Please describe how your plans for selling or deploying your Technology would be affected should the SAFETY Act's system of risk and litigation management not be made available. Please describe how the Technology will be deployed in the future if SAFETY Act Developmental Testing and Evaluation Designation is issued.

Item TE10. Effectiveness and Utility

You should support each element, sub-component, or model listed in the Technology Description provided in response to TE.5. If you apply the same information to multiple elements, sub-components, or models, please indicate why this is reasonable.

The information you provide here should include the primary material supporting your belief that your Technology can be a valuable counter terrorism tool. The kind of documentation you provide will depend on the nature of your Technology.

If your Technology is primarily a device or software product, then your documentation should emphasize available developmental and operational test data that indicate the likely operating performance of that device or software. This could include performance in past deployments, independent test results, field tests (e.g. performance against simulated attacks), internal test data, customer studies, scientific studies of the techniques involved, industry reports, Government or military publications, or any other documentation that suggests or supports the potential usefulness of your Technology. Please attach copies of any such reports, publications, or evidence by using the additional attachment sections that would facilitate analysis and evaluation of your Technology by Subject Matter Experts (SMEs).

If your Technology is primarily a service, your documentation should emphasize the quality of the process whereby that service is delivered and include any available evidence of successful similar past deployments. In particular, you should provide or cite information that documents any of the following:

- The quality of the services you provide.
- Your specification for the processes you use to provide those services.
- The repeatability of your processes for providing those services.
- Your methods for monitoring your adherence to your processes.
- Your means for measuring the success of a particular deployment of your services.
- Your reputation as a provider of these services.

The Department will not ordinarily conduct any tests of your Technology for purposes of SAFETY Act evaluation or compare your Technology directly to other similar technologies. Reviewers will evaluate your Technology against the criteria for Developmental Testing and Evaluation Designation primarily on the basis of the information you provide. Accordingly, the information you provide in response to this question should be as comprehensive as possible.

Please provide an overview narrative of your Technology, including references and summaries of supporting documentation. If you reference any material that is not publicly available, it should be included as an attachment to your application. If you refer to information provided elsewhere in your application, cite it by internal title, item number, and the name of the attachment. Even though your entire application will be treated as confidential, you should (but are not required to) specially mark those portions of your application which contain proprietary and/or business confidential information.

Please see “Additional Attachments” below for instructions on supporting documents and classified materials submission.

If POCs are provided as sources of information or testimonials, please indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, please be advised that:

1. The SAFETY Act may make contact with persons that you list as having information to support the claims in your Application; however it is your responsibility to make sure that you have provided all information to support your Application at the time of submission. Do not simply include a listing of your customers for DHS to contact. We suggest that you obtain written testimonials from your customers.
2. If you believe that third-parties will be able to provide additional supporting information for which you do not have access (such as for example, classified reports, audits, vulnerability assessments, or other reports or data), remember to:
 - a) Be sure that the contact information you provide to us is current.
 - b) Notify your references that you have submitted a SAFETY Act application and that we may contact them.
 - c) Make sure that you are giving us the contact that will be able to provide the best information on the nature of the past sale or deployment, and on how your technology actually worked.
 - d) You may also supply contact information for third-parties, e.g., government officials, who might supply customer testimonials. These individuals should be able to supply actual knowledge of how your technology works and of its utility. We suggest that you obtain this information in writing.
 - e) For procurements, list the name and contact information for the procurement officer or similar person in charge of the contract, proposal, or Request for Proposal.

Item TE11. Summary of Developmental Testing and Evaluation Qualifications

If you wish, you may use this item to summarize in broad terms why you believe your Technology qualifies for SAFETY Act Developmental Testing and Evaluation Designation. Please provide whatever additional information that would be helpful to the Department in analyzing and evaluating your Technology. If you are providing attachments, please provide a Table of Contents.

If POCs are provided as sources of information or testimonials, please indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate what information we should expect from each POC.

Item TE12. Insurance Data

Document any and all current insurance coverage that would be available to satisfy otherwise compensable third-party claims arising out of, relating to, or resulting from an act of terrorism were your Technology deployed in defense against, response to, or recovery from such act and found to have caused harm. Please state whether such policy includes TRIA coverage, as amended, or other insurance policy(ies) provisions or endorsements that cover acts of terrorism. Please specify any relevant exclusions or cancellation provisions that would limit the availability of the current policies to satisfy third-party claims.

If POCs are provided as sources of information or testimonials, please indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate what information we should expect from each POC.

Item TE12.1. Current Insurance

For item TE12.1.a, provide the name of the company identified as the primary insured for the relevant current policy. If you are an additional insured instead of the primary policy holder, please identify the primary insured and each other firm identified as an additional named insured in item TE12.1.b.

In item TE12.1.k., specify the type of terrorism coverage that is provided under the specified policy(ies) (e.g., Terrorism Risk Insurance Extension Act, as amended, other coverage, no terrorism exclusion). Please specify the overall and per-occurrence limits that would apply to the terrorism coverage.

Item TE12.2. Unavailability of Insurance

The SAFETY Act provides that a Seller may not be required “to obtain liability insurance of more than the maximum amount of liability insurance reasonably available from private sources on the world market at prices and terms that will not unreasonably distort the sale price of Seller’s anti-terrorism technologies.” If you are unable to obtain appropriate insurance, please provide information concerning your attempts to obtain insurance coverage for your Technology (e.g., written communications from insurance companies or brokers explaining why your Technology cannot be insured). If insurance is available for

terrorism events but at rates which would distort the sales price of your Technology, document the price of that insurance and provide information to support how it would affect the price of your Technology. You may wish to contact OSAI with questions concerning what information would be most helpful to provide in response to this item.

Note: The Department recognizes that the discussion of requisite insurance with an Applicant may require a number of communications while an application is pending. Consequently, the question of whether a given premium would “distort the sales price” of a Technology might not arise when the Application is submitted. If the question does arise later in the process, the Applicant may submit appropriate information at that time.

Item TE12.3. Insurance Point of Contact

Provide a point of contact, including telephone number and e-mail address for someone authorized to discuss your company’s insurance information with the Department. This point of contact may be the same person identified in your registration statement and may be your counsel, insurance expert, or any other person with appropriate information.

Item TE12.4. Revenue Projection

In order for us to determine the amount of insurance that would not unreasonably distort the sales price of your Technology, we need you to provide us with three (3)-year projected (prospective) revenue estimates for your Technology – all assuming that your Technology is approved under the SAFETY Act. The three-year period should include your current fiscal year, if incomplete, and two subsequent years.

If you do not have current year sales for your Technology, please provide us with three (3)-year projected revenue data.

The revenue data needs only to pertain to your Technology and the numbers need only be summarized data (that is, we do not require the revenue sources to be itemized). The revenue data should be matched with summarized cost data (e.g., cost of goods sold); as with the revenue data, we do not require breakdown of data by cost centers.

Item TE12.5. Deployment

Please establish how the deployment of your Technology as an anti-terrorism technology would expose you to extraordinarily high liability and what this liability might be. This can be accomplished by developing a plausible scenario that establishes how the Technology could be the proximate cause of third-party claims in the event of an act of terrorism. Please make the scenario and third-party liability claims specific to the deployment and use of your Technology.

Item TE13. Financial Data

Certain financial data may be used in for analyzing the appropriate amount of insurance coverage for your particular Technology. This is particularly true when questions arise as to whether insurance costs unduly distort the price of your Technology. Accordingly, you may

be asked to provide certain financial data to OSAI as part of your application. Even in such a case, OSAI will not demand financial information when it is not necessary for a particular application, and will not disclose sensitive or proprietary information outside the application process. Applicants may wish to provide financial data relating exclusively to the Technology.

Item TE13.1. It may be helpful to attach your latest financial statement. If you are a public company, your latest SEC 10-K annual report and SEC 10-Q quarterly report together with any amendments thereto should suffice. If your company is not publicly traded, you may include the following information for the most recent fiscal year: income statement, statement of cash flow, balance sheet, and pro-forma financial statement. OSAI may seek additional and more specific information but only when necessary for a particular application.

Additional Attachments

In the process of answering the questions above, you might find it useful to attach additional documents in support of your answers. These items can be included in your application by using the “Additional Attachments” feature. When answering the items above, it is appropriate to refer to attachments by name and or number. Examples of common attachments might include, but are not limited to, the following: test reports demonstrating the effectiveness of the Technology, operating manuals, training manuals, project/program management plans, quality assurance plans, quality control plans, copies of company certifications, results from pilot studies, testimonials from customers, and warranties.

Submitting Documents as Attachments:

Documents in support of your Application should be uploaded as Attachments together with a separate numbered Table of Contents document. Attachments should be individually labeled and or otherwise clearly identified. For ease of use, we prefer that documents are uploaded individually, rather than in a “Zip” file. Do not submit the ATT Details Narrative document in write-protected format since that information must be accessible to us for use in the creation of OSAI Program documentation. Ideally, attachments should be cross referenced in your narrative response, with clear indications of the purpose of the Attachment. It is usually unnecessary to upload third-party material, such as government training presentations, regulations or standards documents. You may refer to these documents in your narrative and provide an open-source link. For additional assistance in uploading documentation, or for further questions, please call the SAFETY Act Help Desk.

Submitting classified or sensitive data or information:

In cases where the effectiveness data, e.g., audits or testing, that you wish to have evaluated is classified or sensitive and is held by a third party; the Department will attempt to assist you in obtaining this information, however, you **MUST** facilitate the transfer of that data to the SAFETY Act office **PRIOR** to the submission of your Application. This means that you must notify the custodian of records for your customer of your Application to the SAFETY Act and that Department requires access to those records. Once you have completed this

step, you must provide the Department with the name and contact information of the holder of these records. When a date has been set for the transfer of information, you may submit your Application. For further assistance call the SAFETY Act Help Desk.

Declaration for Written Submissions

An authorized agent of the Applicant must, in the presence of a Notary, sign and date this form before submitting it to OSAI. For electronic or Web submissions, follow the instructions provided at safetyact.gov.

CHAPTER 7. SAFETY ACT BLOCK DESIGNATION APPLICATION

The Secretary may issue Block Designations at his discretion for anti-terrorism technologies that meet established performance standards or defined technical characteristics. Block Designation will be published on the SAFETY Act Web site (<http://www.safetyact.gov>). Sellers of Technologies that are subject of a Block Designation may submit a streamlined application to be afforded the liability protection available under the SAFETY Act.

Each Block Designation may set forth particular terms and conditions; however, the accompanying application form should be used for Sellers applying for SAFETY Act protection pursuant to a particular Block Designation.

(Block Designation Form on following page)

SAFETY ACT BLOCK DESIGNATION APPLICATION

APPLICATION TYPE

BD1. Type of Application.

☐ I am responding to an announced Block Designation. Reference:

_____ Date issued: _____

Technology Name: _____

☐ Resubmission of a Previous Application for an announced Block Designation.

Previous Application ID #: _____ Reference: _____

Date issued: _____ Technology Name: _____.

BD1.1. Public Web Site Listing

If your Technology is awarded SAFETY Act coverage, you have the opportunity to be listed on the SAFETY Act as a Designated Seller of a Qualified Anti-Terrorism Technology (QATT). [For example, if you apply for Designation and Certification and receive Designation, your Technology will be listed under Designated Technologies. Or, if you are granted DT&E Designation, regardless of which protection you applied for, you will be so listed on the Web site. Note: By statute, all Certified Technologies will be displayed in the Approved Products List for Homeland Security on the Web site.]

☐ I wish to have my QATT listed on the public Web site under the appropriate classification.

☐ I do not wish to have my QATT listed on the public Web site under the appropriate classification.

REGISTRATION INFORMATION

BD2. Registration Status (*choose one*):

☐ My initial registration is included with this application.

☐ I am updating or correcting previous registration information.

☐ My previously provided registration information is still accurate.

BD3. Name of Seller: _____

BD4. Company Description. Provide an overview of your company, including the place of incorporation, a description of your business, and the Technology that is the subject of this Application.

BLOCK DESIGNATION

Respond to all items in this section in an attachment to this application.

Additional supporting material can be attached as an appendix to your application.

BD.5. If any other corporate entity or entities should be identified as an authorized Seller of the subject Technology in addition to the firm identified in the response to BD3. above, please identify each entity and the place in which it is organized.

BD.6. Provide the Earliest Date of Sale of the Technology for which you are requesting SAFETY Act coverage.

BD.7. Identify the Block Designation you are responding to by noting the name of the Block Designation and the date it was issued. Reference any special terms or conditions presented in the referenced Block Designation.

BD.8. Submit information demonstrating your Technology's conformance with the technical specifications or standards of the Block Designation.

If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

☐ The POCs are expecting contact from DHS. The information the POC can provide or verify is:

BD.9. Submit information demonstrating your Technology's compliance with the terms and conditions of the referenced Block Designation.

If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

☐ The POCs are expecting contact from DHS. The information the POC can provide or verify is:

BD.10. Submit any other information concerning the Technology which may be helpful to the Department in considering this application.

If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

☐ The POCs are expecting contact from DHS. The information the POC can provide or verify is:

BD.11. Insurance Data

If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

☐ The POCs are expecting contact from DHS. The information the POC can provide or verify is:

BD11.1. Please provide the information below for any and all current liability insurance policies that are available to satisfy otherwise compensable third-party claims arising out of, relating to, or resulting from an act of terrorism were your Technology deployed in defense against, in response to, or recovery from such an act:

- a. Primary Named Insured (as it appears on your insurance policy).
- b. Additional named insured relevant to the Technology Sellers.
- c. Type of policy(ies) (e.g., Comprehensive General Liability, Errors and Omissions, Aviation, Product Liability, SAFETY Act Liability, etc.) and any relevant endorsements.
- d. Policy Dates. (Start and end)
- e. Insurer.

- f. Per-occurrence limits.⁶
- g. Aggregate limits.
- h. Annual Premium(s).⁷
- i. Deductible(s) or Self-insured retentions.
- j. Exclusions *(please note and explain any pertinent insurance exclusions or cancellation provisions that would potentially dilute or eliminate the availability of coverage of any of the policies identified in subparagraph “c” above)*.
- k. Please describe the type and limits of terrorism coverage for this policy. Please elaborate on the applicability of the policies identified in subparagraph “c” to address the foreseeable risks associated with the deployment of the Technology including those risks arising from the deployment of the Technology in advance of or response to an act of terrorism. Please also indicate whether the identified policy(ies) provides coverage under the Terrorism Risk Insurance Act (TRIA) of 2002, as amended, or other insurance policy(ies) provisions or endorsements.
- l. Please also describe whether the relevant policy(ies) covers SAFETY Act claims and whether the policy(ies) has a dedicated limit that applies to SAFETY Act claims only or has a shared limit (i.e., shared with non-SAFETY Act claims). Please indicate whether you have received a written interpretation letter from either the carrier or insurance broker indicating whether the policy covers SAFETY Act claims; if so, please provide a copy of such document.

BD11.2. Unavailability of Insurance

- a. If you do not currently carry insurance for the Technology that would be applicable in the event of an act of terrorism, please indicate the reasons. If you have attempted to purchase insurance but it is not available on the world market, please so indicate with specific inquiries you have made. (You may submit written communications from insurance companies or brokers explaining why your Technology cannot be insured.)
- b. If you have endeavored to purchase insurance but have not done so because you have concluded that the cost of insurance premiums would unreasonably distort the price of the Technology, please describe those efforts to find appropriate insurance and state why you have concluded that the cost of insurance for your Technology would unreasonably distort its sales price. In this context, you may need to provide an explanation with relevant documentation (e.g., insurance quotes with limits, premiums, exclusions, and other key items plus other relevant financial and market

⁶ Please indicate whether the policy(ies) has a different limit or deductible/self-insured retention for terrorist acts than the general policy limit and, if so, provide both.

⁷ Insurance premium: If possible, please indicate what percentage of the premium is allotted to coverage for acts of terrorism.

data). **Note: The Department recognizes that the discussion of requisite insurance with an Applicant may require a number of communications while an application is pending. Thus, the question of whether a given premium would “distort the sales price” of a Technology might not arise when the Application is submitted. If the question does arise later in the process, the Applicant may submit appropriate information at that time.**

BD11.3. Insurance Point of Contact. Provide a point of contact, including telephone number and e-mail address for someone authorized to discuss your company’s insurance information with the Department. This point of contact may be the same person identified in your registration statement and may be your counsel, insurance expert, or any other person with appropriate information.

BD11.4. Revenue Projection

In order for us to determine the amount of insurance that would not unreasonably distort the sales price of your Technology, we need you to provide us with three (3)-year projected (prospective) revenue estimates for your Technology - all assuming that your Technology is approved under the SAFETY Act. The three-year period should include your current fiscal year, if incomplete, and two subsequent years.

If you do not have current year sales for your Technology, please provide us with three (3)-year projected revenue data.

The revenue data needs only to pertain to your Technology and the numbers need only to be summarized data (that is, we do not require the revenue sources to be itemized). The revenue data should be matched with summarized cost data (e.g., cost of goods sold); as with the revenue data, we do not require breakdown of data by cost centers.

BD11.5. Deployment

Please establish how the deployment of your Technology as an anti-terrorism technology would expose you to extraordinarily high liability and what this liability might be. This can be accomplished by developing a plausible scenario that establishes how the Technology could be the proximate cause of third-party claims in the event of an act of terrorism. Please make the scenario and third-party liability claims specific to the deployment and use of your Technology.

BD12. Financial Data

Certain financial information regarding your company and projected/prospective technology revenue may be particularly relevant to the application process. This is particularly true when questions arise as to whether insurance costs for specified coverage

limits unduly distort the price of your Technology. We may request additional financial information from the Applicant if necessary during the application process.

BD12.1. Please provide a copy of the Seller's financial statement for the most recent fiscal year. For public companies, the most recent SEC annual report (Form 10-K) and SEC quarterly report (Form 10-Q), together with any amendments thereto, should suffice. For non-publicly traded companies, you may choose to include the following information for the most recent fiscal year: income statement, statement of cash flow, and balance sheet as well as pro forma financial statement. OSAI will seek additional and more specific information only when necessary for a particular application.

ADDITIONAL ATTACHMENTS

Provide all supporting documentation.

DECLARATION FOR WRITTEN SUBMISSIONS

I declare, to the best of my knowledge and belief, that the information provided in response to the questions set forth in this Application for SAFETY Act liability protections is true, factual, and correct, and that I am an authorized agent of the Applicant.

Prepared By: _____ Title (if applicable): _____

Signature: _____ Date: ____/____/20__

The signature of the Preparer must be notarized below:

State of: _____ County of: _____

Subscribed and sworn before me
this _____ day of _____

Notary Public: _____

My Commission Expires
on: _____

Instructions for Completing Block Designation Application Form:

See www.safetyact.gov for instructions on which of the following items to fill out in response to a given Block Designation notice.

Application Type

Item BD1. Type of Application

Check the appropriate box and provide that requested information.

Registration Information

Item BD2. Registration Information

Check the appropriate box indicating your registration status.

Item BD3. Name of Seller/Applicant

Please provide the legal name of the Seller/Applicant.

Item BD4. Company Description

The purpose of this item is to help the Department recognize potential conflicts of interest and avoid disclosing your application information to inappropriate evaluators. The Department is committed to protecting your sensitive business data from improper disclosure.

Provide a brief description of your company, including place of incorporation, a description of your business, and the Technology that is the subject of the Application. When describing your Technology, focus on providing information that will help the Department to identify which Subject Matter Experts (SMEs) would be best qualified to evaluate your Technology. When describing your company, focus on identifying any affiliates that will be involved with your Technology (e.g., parent companies, subsidiaries, joint venture partners, holding companies, etc.).

The purpose of the company description is to help the Department recognize potential conflicts of interest and avoid disclosing your application information to inappropriate evaluators. The Department is committed to protecting your sensitive business data from improper disclosure. *Do not include any sensitive or proprietary information in this summary.* If you wish to include information on substantially similar QATTs or provide information regarding who your major competitors are with respect to the subject Technology, you may do so.

Block Designation

Item BD5. Seller

In certain instances, multiple corporate entities may appropriately be identified as a Seller of the subject Technology. For instance, the Seller of the QATT could include a parent company as well as subsidiaries or other affiliates. Your response will be used to properly identify the Seller(s) of the QATT. If you would like multiple entities to be considered a Seller of the QATT, please clearly identify these firms and identify their respective place of incorporation.

Item BD6. Earliest Date of Sale

This information will be used to specify the Earliest Date of Sale of the QATT to which the Designation shall apply (note this date may be prior to the effective date of the Designation).

Item BD7. Identification of Block Designation

Please identify the Block Designation to which you are responding by noting the name of the Block Designation and the date it was issued. Reference any special terms or conditions presented in the referenced Block Designation.

Item BD8. Compliance with Technical Specifications

In order for the Under Secretary to extend SAFETY Act protections to your Technology, please provide sufficient information to demonstrate that your Technology complies with the technical specifications of the referenced Block Designation. Please be specific.

If POCs are provided as sources of information or testimonials, please indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate what information we should expect from each POC.

Item BD9. Compliance with Terms and Conditions

Please demonstrate how your Technology complies with the terms and conditions stated in the referenced Block Designation. Please be specific and provide sufficient detail.

If POCs are provided as sources of information or testimonials, please indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate what information we should expect from each POC.

Item BD10. Other Information

Please provide other information that may help the Department as it considers your application. This may include information demonstrating the Technology's effectiveness, utility, and readiness for sale.

If POCs are provided as sources of information or testimonials, please indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate what information we should expect from each POC.

Item BD11. Insurance Data

Document any and all current insurance coverage that would be available to satisfy otherwise compensable third-party claims arising out of, relating to, or resulting from an act of terrorism were your Technology deployed in defense against, in response to, or recovery from such an act and found to have caused harm. Please state whether such policy includes TRIA coverage, as amended, or other insurance policy(ies) provisions or endorsements that cover acts of terrorism. Please specify if any relevant exclusions or cancellation provisions would limit the availability of the current policies to satisfy third-party claims. Please also ensure that the insurance coverage for each of the Sellers listed in BD3 is contained in the answers to the items below. In doing so, please be certain to specify whether the Seller is the primary insured or an additional insured.

If POCs are provided as sources of information or testimonials, please indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate what information we should expect from each POC.

Item BD11.1. Current Insurance

For item 11.1.a , provide the name of the company identified as the primary insured for the relevant current policy. If you are an additional insured instead of the primary policy holder, please identify the primary insured and each other firm identified as an additional named insured in item 11.1.b.

In item 11.1.c., what type of terrorism coverage applies to this policy (e.g., Terrorism Risk Insurance Extension Act, other coverage, no terrorism exclusion)? Please specify the limits that would apply to the terrorism coverage.

Item BD11.2. Unavailability of Insurance

The SAFETY Act provides that a Seller may not be required “to obtain liability insurance of more than the maximum amount of liability insurance reasonably available from private sources on the world market at prices and terms that will not unreasonably distort the sale price of Seller’s anti-terrorism technologies.” If you are unable to obtain appropriate insurance please provide information concerning your attempts to obtain insurance coverage for your Technology (e.g., written communications from insurance companies or brokers explaining why your Technology cannot be insured). If insurance is available for terrorism events but at rates which would distort the sales price of your Technology, document the price of that insurance and provide the relevant information to support how it would affect the price of your Technology. You may wish to contact OSAI with questions concerning what information would be most helpful to provide in response to this item.

Note: The Department recognizes that the discussion of requisite insurance with an Applicant may require a number of communications while an application is pending. Thus, the question of whether a given premium would “distort the sales price” of a Technology might not arise when the Application is submitted. If the question does

arise later in the process, the Applicant may submit appropriate information at that time.

Item BD11.3. Revenue Projection

Please provide us with three (3)-year projected (prospective) revenue data for your Technology. The three-year period should include the current fiscal year, if incomplete, and two subsequent years (best estimate). If you do not have current year sales data for your Technology, please provide us with best estimate projections for the three years following the launch of the Technology. The SAFETY Act requires Sellers of anti-terrorism technologies to obtain liability insurance of such types and in such amounts to satisfy otherwise compensable third-party claims arising out of, relating to, or resulting from an act of terrorism when a Technology has been deployed in defense against, response to, or recovery from an act of terrorism. Technology revenue projections are of particular relevance in the application process. This is true when questions arise as to whether insurance costs unduly distort the price of your Technology.

Item BD11.4. Deployment

Your response should identify the types or categories of potential terrorist activities your Technology is intended to address. Your response should also present, to the extent practicable, estimates of the scope of damage, loss of life, or other harm, including financial harm, that could result from such terrorist activity. As noted in the question, describe in a brief statement how the deployment of your Technology as an anti-terrorism technology could expose your company to extraordinarily large or unquantifiable potential third-party liability, and the potential range of the liability (in U.S. dollars). We have found that use of a brief and concise scenario is a good means to indicate how your Technology could expose you to third-party claims in the event of an act of terrorism.

Item BD12. Financial Data

Certain financial data may be used in the process for analyzing the appropriate amount of insurance coverage for your particular Technology. This is particularly true when questions arise as to whether insurance costs unduly distort the price of your Technology.

Accordingly, you may be asked to provide certain financial data to OSAI as part of your application. If that is the case, OSAI will not demand financial information when it is not necessary for a particular application, and will not disclose sensitive or proprietary information outside the application process.

Item BD12.1. It may be helpful to attach your latest financial statement. If you are a public company, your latest SEC 10-K annual report and SEC 10-Q quarterly report, together with any amendments thereto, should suffice. If your company is not publicly traded, you may choose to include the following information for the most recent fiscal year: income statement, statement of cash flow, and balance sheet as well as pro-forma financial statements. OSAI will seek additional and more specific information only when necessary for a particular application.

Additional Attachments

In the process of answering the questions above, you might find it useful to attach additional documents in support of your answers. These items can be included in your application by using the “Additional Attachments” feature. When answering the items above, it is appropriate to refer to attachments by name or number. Examples of common attachments might include, but are not limited to, the following: test reports demonstrating the effectiveness of the Technology, operating manuals, training manuals, project/program management plans, quality assurance plans, quality control plans, copies of company certifications, results from pilot studies, testimonials from customers, and warranties.

Declaration for Written Submissions

An authorized agent of the Applicant must, in the presence of a Notary, sign and date this form before submitting it to OSAI. For electronic or Web submissions, follow the instructions provided at safetyact.gov.

CHAPTER 8. SAFETY ACT BLOCK CERTIFICATION APPLICATION

The Secretary may issue Block Certifications at his discretion for anti-terrorism technologies that meet established performance standards or defined technical characteristics. Sellers of Technologies that are the subject of a Block Certification may submit a streamlined application to be afforded the liability protection available under the SAFETY Act. Block Certification will be published on the SAFETY Act Web site (<http://www.safetyact.gov>).

Each Block Certification may set forth particular terms and conditions that should be addressed in the accompanying application to be used in applying for SAFETY Act protection pursuant to a particular Block Certification.

(Block Certification Form on following page)

SAFETY ACT BLOCK CERTIFICATION APPLICATION

APPLICATION TYPE

BC1. Type of Application.

- ☐ I am responding to an announced Block Certification. Reference: _____
Date issued: _____ Technology Name: _____
- ☐ Resubmission of a Previous Application for an announced Block Certification.
Previous Application ID #: _____ Reference: _____
Date issued: _____ Technology Name: _____

REGISTRATION INFORMATION

BC2. Registration Status (*choose one*):

- ☐ I am updating or correcting previous registration information.
- ☐ My previously provided registration information is still accurate.

BC3. Name of Seller: _____

BC4. Company Description. Provide an overview of your company, including a description of your business.

BLOCK CERTIFICATION

Respond to all items in this section in one attachment to this application.

Additional supporting material can be attached as an appendix to your application.

BC5. If any other corporate entity or entities should be identified as an authorized Seller of the subject Technology in addition to the firm identified in the response to BC3. above, please identify each entity and the place in which it is organized.

BC6. Provide the Earliest Date of Sale of the Technology for which you are requesting SAFETY Act coverage.

BC7. Identify the Block Certification to which you are responding by noting the name of the Block Certification and the date it was issued. Reference any special terms or conditions presented in the referenced Block Certification.

If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

☐ The POCs are expecting contact from DHS. The information the POC can provide or verify is:

BC8. Submit information demonstrating your Technology's compliance with the technical specifications of the Block Certification.

If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

☐ The POCs are expecting contact from DHS. The information the POC can provide or verify is:

BC9. Submit information demonstrating your Technology's compliance with the terms and conditions of the referenced Block Certification.

BC10. Submit any other information concerning the Technology which may be helpful to the Department in consideration of this application.

DECLARATION FOR WRITTEN SUBMISSIONS

I declare, to the best of my knowledge and belief, that the information provided in response to the questions set forth in this Application for SAFETY Act liability protections is true, factual, and correct, and that I am an authorized agent of the Applicant.

Prepared By: _____ Title (if applicable): _____

Signature: _____ Date: ____/____/20__

The signature of the Preparer must be notarized below:

State of: _____ County of: _____

Subscribed and sworn before me
this _____ day of _____

Notary Public: _____

My Commission Expires
on: _____

Instructions for Completing Block Certification Application Form:

Application Type

Item BC1. Type of Application

If your application is in response to an announced Block Certification, check the appropriate box and follow the instructions set forth in the particular Block Certification announcement.

Registration Information

Item BC2. Registration Information

Please check the appropriate box relating to your registration status.

Item BC3. Name of Seller

Please provide the legal name of the Seller/Applicant.

Item BC4. Company Description

The purpose of this item is to help the Department recognize potential conflicts of interest and avoid disclosing your application information to inappropriate evaluators. The Department is committed to protecting your sensitive business data from improper disclosure.

Provide a brief description of your company. When describing your company, focus on identifying any affiliates associated with your Technology (e.g., parent companies, subsidiaries, joint venture partners, holding companies, etc.).

Do not include any sensitive or proprietary information in this summary. If you wish to include information on substantially similar QATTs or provide information regarding who your major competitors are with respect to the subject Technology, you may do so.

Block Certification

Item BC5. Seller

In certain instances, multiple corporate entities may appropriately be identified as a Seller of the subject Technology. For instance, the Seller of the QATT could include a parent company as well as subsidiaries or other affiliates. Your response will be used to properly identify the Seller(s) of the QATT. If you would like multiple entities to be considered a Seller of the QATT, please clearly identify these firms and identify their respective place of incorporation.

Item BC6. Earliest Date of Sale

This information will be used to specify the Earliest Date of Sale of the QATT to which the Certification shall apply (note this date may be prior to the effective date of the Certification).

Item BC7. Identification of Block Certification

Please identify the Block Certification to which you are responding by noting the name of the Block Certification and the date it was issued. Reference any special terms or conditions presented in the referenced Block Certification.

If POCs are provided as sources of information or testimonials, please indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate what information we should expect from each POC.

Item BC8. Compliance with Technical Merits

In order for the Under Secretary to extend SAFETY Act protections to your Technology, please provide sufficient information to demonstrate that your Technology complies with the technical merits of the reference Block Certification. Please be specific.

If POCs are provided as sources of information or testimonials, please indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate what information we should expect from each POC.

Item BC9. Compliance with Terms and Conditions

Please demonstrate how your Technology complies with the terms and conditions stated in the referenced Block Certification. Please be specific and provide sufficient details.

Item BC10. Other Information

Please provide other information that may help the Department of Homeland Security as it considers your application. This may include information such as material demonstrating the Technology's effectiveness, utility, and readiness for sale.

Additional Attachments

In the process of answering the questions above, you might find it useful to attach additional documents in support of your answers. These items can be included in your application by using the "Additional Attachments" feature. When answering the items above, it is appropriate to refer to attachments by name or number. Examples of common attachments might include, but are not limited to, the following: test reports demonstrating the effectiveness of the Technology, operating manuals, training manuals, project/program management plans, quality assurance plans, quality control plans, copies of test reports demonstrating effectiveness, results from pilot studies, testimonials from customers, and warranties.

Declaration for Written Submissions

An authorized agent of the Applicant must, in the presence of a Notary, sign and date this form before submitting it to OSAI. For electronic or Web submissions, follow the instructions provided at safetyact.gov.

CHAPTER 9. NOTICE OF LICENSE OF QUALIFIED ANTI-TERRORISM TECHNOLOGY

Except as may be restricted by the terms and conditions of a particular Designation or Certification, a SAFETY Act Designation or Certification may apply to any other person, firm, or other entity to which the Seller licenses (exclusively or non-exclusively) the right to sell the Technology, in the same manner and to the same extent that such Designation applies to the original Seller. Sellers wishing to license the right to sell their Technology and its Designation or Certification should submit a “Notice of License of Qualified Anti-Terrorism Technology” within 30 days of the commencement of the license.

(Notice of License Form on following page)

NOTICE OF LICENSE OF QUALIFIED ANTI-TERRORISM TECHNOLOGY

L1. Seller Name: _____

L2. QATT information

L2.1. QATT Name: _____

L2.2. QATT Application ID Number: _____

L3. Name of Licensee: _____

L3.1. Licensee Place of Incorporation: _____

L4. Method of License (choose one):

☐ Exclusive

☐ Non-Exclusive

L5. Date of Commencement of License: ____/____/20____

L6. Term of License: _____

L7. Provide a description of the license agreement including an affirmation that SAFETY Act protections only attach to the Technology that is described in Exhibit A of the licensor's letter of Designation or Certification, as applicable. Attach supporting information as necessary. Indicate that the transferee is cognizant of the requirement to meet the transferor's insurance requirements and any other special conditions which might affect the deployment of the licensed Technology.

L8. Provide information regarding the described licensing effect on the QATT's safety or efficacy, or risk(s) associated with its deployment.

If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

☐ The POCs are expecting contact from DHS. The information the POC can provide or verify is:

DECLARATION FOR WRITTEN SUBMISSIONS

I declare, to the best of my knowledge and belief, that the information provided in response to the questions set forth in this Application for SAFETY Act liability protections is true, factual, and correct, and that I am an authorized agent of the Applicant.

Prepared By: _____ Title (if applicable): _____

Signature: _____ Date: ____/____/20__

The signature of the Preparer must be notarized below:

State of: _____ County of: _____

Subscribed and sworn before me
this _____ day of _____

Notary Public: _____

My Commission Expires
on: _____

Instructions for Completing Notice of License Form:

Item L1. Seller Name

Enter the name of the current Seller of the QATT whose Designation you wish to license.

Item L2. QATT Information

Item L2.1. QATT Name

Enter the name of the QATT as it appears in the Seller's most recent correspondence with the OSAI.

Item L2.2. QATT Application Identification Number

Enter the Application Identification Number of the original Designation for this QATT.

Item L3. Name

Enter the registration name of the Licensee. This should be the company or business unit name used by the Licensee to register as a Seller. The recipient of the license must be registered with the OSAI before the notice of license can take place. See Chapter 5 of this kit for detailed instructions on how to register. Registration with the OSAI does not commit the registrant to any further actions.

Item L3.1. Place of Incorporation

Identify the place where the transferee is incorporated.

Item L4. Method of License

Check the box corresponding to the type of License you are performing. Check "Exclusive license" if the current Seller retains rights in the QATT and will not be transferring any of these same transferred rights to anyone other than the Licensee named in this form. Check "Non-exclusive license" if the current Seller retains rights and may transfer some or all of those rights to entities other than the Licensee named in this form.

Item L5. Date of Commencement of License

Enter the date of the commencement of the license or the proposed date if that has not yet occurred. Use month/date/year format.

Item L6. Term of License

Enter term of license.

Item L7. Description of License Agreement

Summarize the nature and terms of the License agreement. Attach additional sheets if necessary.

Item L8. Effect

Please describe the effect the licensing will have on the QATT's safety or efficacy and provide any available supporting information.

If POCs are provided as sources of information or testimonials, please indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate what information we should expect from each POC.

Declaration

An authorized agent of the Applicant must sign and date this form before submitting it to OSAI. For electronic or Web submissions, follow the instructions provided at safetyact.gov.

CHAPTER 10. NOTICE OF MODIFICATION OF QUALIFIED ANTI-TERRORISM TECHNOLOGY

It is important and required that the Department be informed of any significant modifications that the Seller makes or intends to make to a Qualified Anti-Terrorism Technology (QATT). A significant modification is one that is outside the scope of a Designation or Certification. Immaterial or routine modifications that are within the scope of the Designation do not require notice. It is important, however, and required, that the Department be informed of any significant modifications that the Seller makes or intends to make to a QATT. The SAFETY Act final rule modified the procedure for Sellers to notify the Department of modifications or proposed modifications to a QATT and for the Department to respond quickly to such notifications with appropriate instructions for the Seller. Whether notice to the Department is required for a change to a particular QATT will depend on the specific nature of the QATT and the terms of the Designation or Certification applicable to the QATT. If notice of a modification is required, review of the notice will also be undertaken in a reasonable time. If the Department does not take action in response to the notice, SAFETY Act coverage of the Technology as modified will be conclusively established. If the Department ultimately does not approve of the proposed changes, it will so notify the Seller and may discuss possible remedial action to address the Department's concerns or take other appropriate action at the discretion of the Under Secretary, as provided in section 25.6(l) of the final rule. In no event will a Designation terminate automatically or retroactively under this provision. It is also important to recognize that the "significant modification" provisions may require notice by the Seller to the Department only when the modifications are made to a QATT by the Seller or are made to a QATT with the Seller's knowledge and consent. The final rule does not require that a Seller notify the Department of changes to a QATT made post-sale by an end-user of the QATT, and any such change by an end-user cannot result in loss of SAFETY Act protection for the Seller or others protected by the Seller's Designation or Certification. If notice of a modification is required, Sellers should submit to the Department a "Notice of Modification to Qualified Anti-Terrorism Technology."

(Notice of Modification Form on following page)

NOTICE OF MODIFICATION OF QUALIFIED ANTI-TERRORISM TECHNOLOGY

M1. Seller Name: _____

M1.1. Public Web site Listing

If your Technology is awarded SAFETY Act coverage, you have the opportunity to be listed on the SAFETY Act Web site as a Designated Seller of anti-terrorism technologies. [For example, if you apply for Designation and Certification and receive Designation, your Technology will be listed under Designated Technologies. Or, if you are granted DT&E Designation, regardless of which protection you applied for, you will be so listed on the Web site. Note: By statute, all Certified Technologies will be displayed in the Approved Products List for Homeland Security on the Web site.]

- ☐ I wish to have this Technology listed on the public Web site under the appropriate classification.
- ☐ I do not wish to have this Technology listed on the public Web site under the appropriate classification.

M2. Qualified Anti-Terrorism Technology (QATT) information

M2.1. QATT Name: _____

M2.2. QATT Application ID Number: _____

M3. Modification Type

M3.1 Technical Modification

- a. Description of Modification: Attach a description of the modification the Seller has made or is intending to make to the QATT. The discussion should endeavor to frame the “before” and “after” attributes of the modifications to the QATT. Please also address why the Seller is making or intends to make such modification.
- b. Provide any information on the impact that this Modification would have on the projected revenue of your QATT.
- c. If your Modification includes the addition of Sellers, confirm that your current insurance coverage extends to these Sellers or provide information demonstrating

that additional Sellers maintain the required insurance to respond to SAFETY Act claims.

M3.2 Insurance Petition

Request for Insurance revision: If you are petitioning for a revision to the insurance requirement contained in your Certificate of Designation pursuant to Section 25.5(g) of the SAFETY Act Regulations, please provide a basis for you petition, to include, but not limited to, QATT market conditions, financial status of your firm, insurance premia, and revisions to your insurance policy(ies) by the carrier.

- a. Any petition to reduce the amount of insurance required by your Certificate of SAFETY Act Designation, that is available to satisfy otherwise compensable third-party claims arising out of, relating to, or resulting from an act of terrorism where your QATT deployed in defense against, response to, or recovery from such act should include all of the following information related to your proposed new insurance liability limit:
 - i. Primary named insured (as it appears on your insurance policy).
 - ii. Additional named insured relevant to the QATT Sellers.
 - iii. Type of policy(ies) (e.g., Comprehensive General Liability, Errors and Omissions, Aviation, Product Liability, SAFETY Act Liability, etc.)
 - iv. Policy Dates. (Start and end)
 - v. Insurer.
 - vi. Per-occurrence limits.⁸
 - vii. Aggregate limits.
 - viii. Annual Premium(s).⁹
 - ix. Deductible(s) or Self-insured retentions.
 - x. Exclusions (please note and explain any pertinent insurance exclusions, cancellation terms, or limits that would potentially dilute or eliminate the availability of coverage under the policies identified in sub-paragraph “c” above).
 - xi. Please describe the type and limits of terrorism coverage for this policy. Please elaborate on the applicability of the policies identified in sub-paragraph “c” to address the foreseeable risks associated with the deployment of the Technology, including those risks arising from the

⁸ Please indicate whether the policy(ies) has a different limit or deductible/self-insured retention for terrorist acts than the general policy limit and, if so, provide both.

⁹ Insurance premium: If possible, please indicate what percentage of the premium is allotted to coverage for acts of terrorism.

deployment of the Technology in advance of or response to an act of terrorism. Please also indicate whether the identified policy(ies) provides coverage under the Terrorism Risk Insurance Act (TRIA) of 2002, as amended, or other insurance policy(ies) provisions or endorsements.

- xii. Please describe whether the relevant policy(ies) covers SAFETY Act claims and whether the policy(ies) has a dedicated limit that applies to SAFETY Act claims only or has a shared limit (i.e., shared with non-SAFETY Act claims). Please indicate whether you have received a written interpretation letter from either the carrier or insurance broker indicating whether the policy covers SAFETY Act claims; if so, please provide a copy of such document.

b. Insurance Point of Contact: If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your QATT. Also, indicate below what information we should expect from each POC.

c. Revenue Projection: In order for us to determine the amount of insurance that would not unreasonably distort the sales price of your Technology, we need you to provide us with three (3)-year projected (prospective) revenue estimates for your Technology - all assuming that your Technology is approved under the SAFETY Act. The three-year period should include your current fiscal year, if incomplete, and two subsequent years.

The revenue data needs only to pertain to your Technology and the numbers need only be summarized data (that is, we do not require the revenue sources to be itemized). The revenue data should be matched with summarized cost data (e.g., cost of goods sold); as with the revenue data, we do not require breakdown of data by cost centers.

M4. Provide information regarding the described modification's effect on the QATT's safety or efficacy, or risk(s) associated with its deployment.

If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

☐ The POCs are expecting contact from DHS. The information the POC can provide or verify is:

DECLARATION FOR WRITTEN SUBMISSIONS

I declare, to the best of my knowledge and belief, that the information provided in response to the questions set forth in this Application for SAFETY Act liability protections is true, factual, and correct, and that I am an authorized agent of the Applicant.

Prepared By: _____ Title (if applicable): _____

Signature: _____ Date: ____/____/20__

The signature of the Preparer must be notarized below:

State of: _____ County of: _____

Subscribed and sworn before me
this _____ day of _____

Notary Public: _____

My Commission Expires
on: _____

Instructions for Completing Notice of Modification Form:

Seller Information

Item M1. Seller Name

Enter the name of the current Seller of the QATT whose Designation and, as applicable, Certification you wish to modify.

Item M2. QATT Information

Item M2.1. QATT Name

Enter the name of the QATT as it appears in the Seller's most recent Certification of Designation or previous Modification Notice.

Item M2.2. QATT Application identification Number

Enter the Application Identification Number of the original Designation and, as applicable, Certification for this QATT.

Item M3.1 Technical Description of Modification

Attach a document describing the proposed modifications in detail, along with any documentation or other information detailing the modification, as well as the need for or purpose underlying such modification.

Please also address the impact any Modification will have on QATT sales. If a change in proposed to include additional Sellers, please verify that your current insurance coverage applies to these Sellers.

Item M3.2 Insurance Petition

Your petition should include a basis or explanation of why your required insurance should be revised. You must provide the details requested in Item M3.2 (a-l); include any relevant documentation to support your petition (e.g., letters from carriers or insurance brokers).

Item M4. Effect

If you are filing an insurance petition, no response is required to this question.

Please describe the effect the modification will have on the QATT's safety or efficacy and provide any available supporting information.

This should include any test and evaluation data, relevant certifications, or the like. If you are extending your QATT to a new sector, describe any changes to the QATT and tests conduct to verify that your QATT will be effective in a new location. If you are adding a product line, please describe how this new product line compares to product lines currently included as part of your QATT.

Also, if associated technical documentation, or policies and procedures, are impacted by changes in your QATT, provide these updated documents.

If POCs are provided as sources of information or testimonials, please indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate what information we should expect from each POC.

Declaration

An authorized agent of the Applicant must sign and date this form before submitting it to OSAI. For electronic or Web submissions, follow the instructions provided at safetyact.gov.

CHAPTER 11. APPLICATION FOR TRANSFER OF SAFETY ACT DESIGNATION AND CERTIFICATION

Except as may be limited by its terms, any Designation and, as applicable, Certification may be transferred and assigned to any other person, firm, or other entity to which the Seller transfers and assigns the right, title, and interest in and to the Technology covered by the Designation and, as applicable, Certification, including the intellectual property rights therein. Transfers of a Designation and, as applicable, Certification will not be effective unless and until the Department is notified in writing through the “Application for Transfer of Designation” form. Upon the effectiveness of the transfer, the transferee will be deemed to be a Seller in the place and stead of the transferor for all purposes under the SAFETY Act.

(Application for Transfer Form on following page)

APPLICATION FOR TRANSFER OF SAFETY ACT DESIGNATION AND CERTIFICATION

SELLER INFORMATION (TRANSFEROR)

T1. Company Name: _____

T1.2. POC Name: _____

T2. QATT Information

T2.1. QATT Name: _____

T2.2. QATT Application Identification Number: _____

TRANSFeree INFORMATION

T3. Company Name: _____

T3.1. POC Name: _____

T3.2. Transferee's place of incorporation: _____

T3.3. Company Description: Provide an overview of your company, description of your business including number of employees and office location associated with production of newly acquired QATT.

DESCRIPTION OF TRANSFER

T4. Effective date of transfer: ____/____/20____

T5. Attach a description of the transfer agreement and supporting information as necessary.

T6. Insurance. Please provide information regarding the Transferee's insurance coverage for the relevant QATT and whether the Transferee's coverage satisfies the terms of insurance of the SAFETY Act Designation issued to the Transferor. Please include the following information:

- a. Primary named insured (as it appears on your insurance policy).
- b. Additional named insured relevant to the Technology Sellers.
- c. Type of policy(ies) (e.g., Comprehensive General Liability, Errors and Omissions, Aviation, Product Liability, SAFETY Act Liability, etc.)

- d. Policy Dates. (Start and end)
- e. Insurer.
- f. Per-occurrence limits.¹⁰
- g. Aggregate limits.
- h. Annual Premium(s).¹¹
- i. Deductible(s) or Self-insured retentions.
- j. Exclusions *(please note and explain any pertinent insurance exclusions, cancellation terms, or limits that would potentially dilute or eliminate the availability of coverage under the policies identified in sub-paragraph “c” above).*
- k. Please describe the type and limits of terrorism coverage for this policy. Please elaborate on the applicability of the policies identified in sub-paragraph “c” to address the foreseeable risks associated with the deployment of the Technology, including those risks arising from the deployment of the Technology in advance of or response to an act of terrorism. Please also indicate whether the identified policy(ies) provides coverage under the Terrorism Risk Insurance Act (TRIA) of 2002, as amended, or other insurance policy(ies) provisions or endorsements.
- l. Please describe whether the relevant policy(ies) covers SAFETY Act claims and whether the policy(ies) has a dedicated limit that applies to SAFETY Act claims only or has a shared limit (i.e., shared with non-SAFETY Act claims). Please indicate whether you have received a written interpretation letter from either the carrier or insurance broker indicating whether the policy covers SAFETY Act claims; if so, please provide a copy of such document.

T7. Revenue.

T7.1 Revenue Projection.

In order for us to determine the amount of insurance that would not unreasonably distort the sales price of your Technology, we need you to provide us with three (3)-year projected (prospective) revenue estimates for your Technology - all assuming that your Technology is approved under the SAFETY Act. The three-year period should include your current fiscal year, if incomplete, and two subsequent years.

If you do not have current year sales for your Technology, please provide us with three (3)-year projected revenue data.

¹⁰ Please indicate whether the policy(ies) has a different limit or deductible/self-insured retention for terrorist acts than the general policy limit and, if so, provide both.

¹¹ Insurance premium: If possible, please indicate what percentage of the premium is allotted to coverage for acts of terrorism.

The revenue data needs only to pertain to your Technology and the numbers need only be summarized data (that is, we do not require the revenue sources to be itemized). The revenue data should be matched with summarized cost data (e.g., cost of goods sold); as with the revenue data, we do not require breakdown of data by cost centers.

T7.2 Financial Data

Certain financial information regarding your company and projected/prospective Technology revenue may be particularly relevant to the application process. This is particularly true when questions arise as to whether insurance costs for specified coverage limits unduly distort the price of your Technology. We may request additional financial information from the Applicant if necessary.

T8. Please provide information regarding the described transfer's effect on the QATT's safety or efficacy, or risk(s) associated with its deployment.

If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

☐ The POCs are expecting contact from DHS. The information the POC can provide or verify is:

DECLARATION FOR WRITTEN SUBMISSIONS

I declare, to the best of my knowledge and belief, that the information provided in response to the questions set forth in this Application for SAFETY Act liability protections is true, factual, and correct, and that I am an authorized agent of the Applicant.

Prepared By: _____ Title (if applicable): _____

Signature: _____ Date: ____/____/20__

Company Name: _____

The signature of the Preparer must be notarized below:

State of: _____ County of: _____

Subscribed and sworn before me
this _____ day of _____

Notary Public: _____

My Commission Expires
on: _____

Instructions for Completing Application Transfer Form:

Seller Information

Item T1. Seller Name

Enter the name of the current Seller of the QATT you wish to transfer.

Item T2. QATT Information

Item T2.1. QATT Name

Enter the name of the QATT as it appears in the Seller's most recent correspondence with the Office of SAFETY Act Implementation (OSAI).

Item T2.2. QATT Application Identification Number

Enter the Application Identification Number of the original Designation for this QATT.

Transferee Information

Item T3. Name

Enter the registration name of the Transferee. This should be the company or business unit name used by the Transferee to register as a Seller. The recipient of the transfer must be registered with OSAI before the transfer can take place. See Chapter 2 of this kit for detailed instructions on how to register. Registration with OSAI does not commit the registrant to any further actions.

Item T3.2. Place of Incorporation

Identify the place where the transferee is incorporated.

Item T3.3. Company Description

Provide an overview of your company, description of your business including number of employees and office location associated with production of newly acquired QATT.

Description of Transfer

Item T4. Effective Date of Transfer of Rights

Enter the date that the Transferee acquired the right to sell the QATT or the proposed date if that has not yet occurred. Use month/date/year format.

Item T5. Brief Description

Summarize the nature and terms of the transfer agreement. What rights (if any) does the current Seller retain? What rights are transferred to the Transferee?

Item T6. Insurance

In order for SAFETY Act protections to transfer, the Transferee must meet any special conditions associated with the Designation and/or Certification. In addition, the Transferee must meet the obligation to maintain insurance as set forth in the SAFETY Act Designation issued to the Transferor.

For item 6a., provide the name of the company identified as the primary insured for the relevant current policy. If you are an additional insured instead of the primary policy holder, please identify the primary insured and each other firm identified as an additional named insured in item 16.1.b.

In item 6k., specify the type of terrorism coverage provided under the referenced policy(ies) (e.g., Terrorism Risk Insurance Extension Act, as amended, other coverage, no terrorism exclusion). Please specify the overall and per-occurrence limits that would apply to the terrorism coverage.

Item T7. Revenue

Item T7.1. Revenue Projection

Please provide us with three (3)-year projected (prospective) revenue data for your Technology. The three-year period should include the current fiscal year, if incomplete, and two subsequent years (best estimate). If you do not have current year sales data for your Technology, please provide us with best estimate projections for the three years following the launch of the Technology. The SAFETY Act requires Sellers of anti-terrorism technologies to obtain liability insurance of such types and in such amounts to satisfy otherwise compensable third-party claims arising out of, relating to, or resulting from an act of terrorism when a Technology has been deployed in defense against, response to, or recovery from an act of terrorism. Technology revenue projections are of particular relevance in the application process. This is true when questions arise as to whether insurance costs unduly distort the price of your Technology.

Item T7.2. Financial Data

Certain financial data may be used in the process for analyzing the appropriate amount of insurance coverage for your particular Technology. This is particularly true when questions arise as to whether insurance costs unduly distort the price of your Technology. Accordingly, you may be asked to provide certain financial data to OSAI as part of your application. If this is the case, OSAI will not demand financial information when it is not necessary for a particular application, and will not disclose sensitive or proprietary information outside the application process. Applicants may wish to provide financial data relating exclusively to the Technology.

Item T8. Effect

Please describe the effect the transfer will have on the QATT's safety or efficacy and provide any available supporting information.

If POCs are provided as sources of information or testimonials, please indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate what information we should expect from each POC.

Declarations

An authorized agent of the current Seller and an authorized agent of the Transferee must sign and date this form before submitting it to OSAI. For electronic or Web submissions, follow the instructions provided at safetyact.gov.

CHAPTER 12. APPLICATION FOR RENEWAL OF SAFETY ACT PROTECTIONS OF A QUALIFIED ANTI-TERRORISM TECHNOLOGY

The purpose of completing an Application for Renewal of SAFETY Act Protections is for you, the Seller of the approved Qualified Anti-Terrorism Technology, to ensure that your QATT performed as previously described throughout the lifespan of your previous Designation or Certification and that it will continue to perform in the future. To ensure your QATT does not encounter a lapse in SAFETY Act coverage, it is recommended that you file a Renewal application at least 6 months prior to expiration of your current award.

(Application for Renewal Form on following page)

Application for Renewal

Please address each question below, answering as fully as possible and include supporting documentation; please label this documentation with the appropriate application number.

RE1. Seller Name: _____

RE1.1. Public Web site Listing

If your Technology is awarded SAFETY Act coverage, you have the opportunity to be listed on the SAFETY Act Web site as a Designated Seller of a Qualified Anti-Terrorism Technology (QATT). Note: By statute, all Certified Technologies will be displayed in the Approved Products List for Homeland Security on the Web site.

- ☐ I wish to have my QATT listed on the public Web site under the appropriate classification.
- ☐ I do not wish to have my QATT listed on the public Web site under the appropriate classification.

RE2. Qualified Anti-Terrorism Technology (QATT) Information.

RE2.1. QATT Name: _____

RE2.2. QATT Application ID Number: _____

RE3. Point of Contact (POC) Information

RE3.1. Financial/Insurance POC:

Name: _____

Address: _____

Telephone Number: _____

Fax Number: _____

E-mail address: _____

RE3.2. Technical POC:

Name: _____

Address: _____

Telephone Number: _____

Fax Number: _____

E-mail address: _____

RE4. Technical Specifications

RE4.1. Describe what (if anything) has changed about the QATT since SAFETY Act protections were awarded. If you have made changes to your technology and elected not to file a Modification, provide information regarding this decision.

- a. Please review “Exhibit A” of your award or most recent modification and ensure that all elements of your QATT are present. Propose any changes as necessary; however, it will be important to justify additions with information supporting the effectiveness of your QATT.

RE4.2. Confirm that your QATT continues to conform to the technical specifications laid out for it in your successful SAFETY Act application and explain how you know that these specifications continue to be met.

- a. Provide information about quality control/assurance plans, especially if your plan has been updated. If your plan has not been updated, please describe why.
- b. Provide information about updates to any policies and procedures supporting your QATT. If no changes have been made, please indicate why.

RE5. Performance

RE5.1. Provide an up-to-date deployment history of your QATT since it received SAFETY Act protections, including deployment sites.

- a. How many people do you have employed who deal with providing the QATT? If you produce a product, how many help to manufacture this product? If you provide a service, how many individuals are involved in its deployment?
- b. If you produce a product, in what city/state have you been manufacturing the QATT?

RE5.2. Provide any information of which you are aware on the actual performance of your QATT during the term of your most recent Designation or Certification. This information should include reports from either test events or actual deployments in which the QATT was used after SAFETY Act protections were awarded. Include any new evidence of effectiveness of your Technology that is available.

- a. If you do not maintain records of field performance, please describe why.
- b. If a service provider, please provide most recent internal or external audits. If no such quality audits are available, describe why.
- c. As applicable, provide information on repair or reliability rates.

RE5.3. Provide evidence of continued QATT capability and efficacy. Describe how you maintained currency of your QATT, given technology changes and current and anticipated terrorist threats. If you are aware of any relevant and new technical literature and reports in the trade press and general circulation media, include this information.

- a. If you are a service provider, provide up to date information on professional certifications or licensures, as applicable, as well as a record of training for practitioner.
- b. For all technologies, if you maintain any certifications or licensures (ISO, FDA approval, etc.), please indicate whether all certifications or licensures are current.
- c. If you have allowed a certification or license to lapse, please describe why.

RE5.4. If there have been instances since your last award decision in which your QATT did not perform as projected in your successful application for SAFETY Act protection, please explain how you know that your Technology would still be effective against Acts of Terrorism.

RE5.5. If you have experienced unexpected difficulties in the deployment of your QATT, especially impacting effectiveness, during the lifetime of your current Designation, identify these difficulties.

- a. Please indicate how any difficulties were resolved (sub-component change, additional processes or procedures, process changes, etc.)
- b. Please describe the impact of resolution or mitigation steps on the effectiveness of your QATT.

RE5.6. For some QATTs, concerns may arise whether performance will degrade with the passage of time after manufacture or deployment. Accordingly, please:

- a. Discuss any decays experienced in performance of your QATT since manufacture or deployment.
- b. Identify any steps you have taken to control these decays and/or inform buyers of your QATT of them.
- c. If available, provide POCs that have experience with your QATT and can provide information regarding its deployment and operation.

RE6. Safety

RE6.1. Provide information related to the safety of your QATT, for both its users and those who may come in contact with it. This could include post deployment safety and hazard reports, descriptions of safety incidents during the term of

your Designation, and similar data. Confirm that your Technology has continued to be safe for use since receiving SAFETY Act Protections.

- RE6.2.** If there have been safety related incidents with your QATT since your last award decision, please explain how you know that your technology remains safe for use as intended.
- a. Have any workers compensation claims been filed relating to your QATT?

RE7. Insurance Information

- RE7.1.** Did you notify your insurance carrier and/or insurance broker about the enhancements, alterations, or other significant changes to your QATT described above? If not, why not?

- RE7.2.** Provide the information indicated below for any and all current liability insurance policies available to satisfy other otherwise compensable third-party claims arising out of, relating to, or resulting from and Act of Terrorism were your Technology deployed in defense against, response to, or recovery from such an act:
- a. Primary named insured (as it appears on your insurance policy)
 - b. Additional named insured relevant to the technology Sellers.
 - c. Type of Policy (Indicate all policies that apply, e.g. Comprehensive General Liability, Errors and Omissions, Aviation, Product Liability, SAFETY Act Liability, etc.)
 - d. Policy dates (start and end).
 - e. Insurer.
 - f. Per-occurrence limits. (Indicate whether each policy has a different limit or deductible/self-insured retention for terrorist acts from the general policy limit and, if so, provide both.)
 - g. Aggregate limits.
 - h. Annual Premium(s). (Indicate what percentage of the premium is allotted to coverage for Acts of Terrorism. Consult with your insurance carrier or broker if you do not have this information.)
 - i. Deductible(s) or self-insured retentions.
 - j. Exclusions. (Note and explain any pertinent insurance exclusions, cancellation terms, or limits that would potentially dilute or eliminate the availability of coverage under the policies identified in 6b.iii. above.)
 - k. Types and limits of terrorism coverage for this policy. (Elaborate on the applicability of the policies identified in 6b.iii. above to address the

foreseeable risks associated with the deployment of the Technology, including risks arising from the deployment of the Technology in advance of or in response to an Act of Terrorism. Please also indicate whether the identified policies provide coverage under the Terrorism Risk Insurance Act of 2002, as amended, or under other insurance provisions or endorsements.)

1. Dedicated or shared limit. (describe whether the relevant policies cover SAFETY Act claims and whether they have a dedicated limit that applies to SAFETY Act claims only or a shared limit (i.e., share with non-SAFETY Act claims). Also indicate whether you have received a written interpretation letter from the insurance carrier or broker indicating whether the policies cover SAFETY Act claims; if so, please provide a copy of such a document.

RE7.3. Supply the same insurance information requested in 7b above, but for the previous two years. If your insurance has not changed, please indicate this; however, you must include premium information as requested in 7b for the previous two years.

RE8. Financial Information

RE8.1. Financial Information

- a. Provide actual QATT revenue for the past three fiscal or calendar years.
- b. Provide QATT revenue projections for the next three years.
- c. Provide the prior year's actual or the current year's projected income statement.

RE8.2. List and briefly describe lawsuits filed involving your QATT.

RE8.3. List and briefly describe non-adjudicated settlements involving your QATT.

RE8.4. Provide financial data on the deployment by calendar year of your QATT since you received SAFETY Act protections.

RE9. Summary of QATT qualifications

Include any other information the Department should consider in evaluating your application for renewal.

DECLARATION FOR WRITTEN SUBMISSIONS

I declare, to the best of my knowledge and belief, that the information provided in response to the questions set forth in this Application for SAFETY Act liability protections is true, factual, and correct, and that I am an authorized agent of the Applicant.

Prepared By: _____ Title (if applicable): _____

Signature: _____ Date: ____/____/20__

The signature of the Preparer must be notarized below:

State of: _____ County of: _____

Subscribed and sworn before me
this _____ day of _____

Notary Public: _____

My Commission Expires
on: _____

Instructions for Completing Application for Renewal:

Application Type

RE 1. Seller Name

Enter your Seller name as listed on your registration form.

RE 1.1. Public Web site Listing

Select whether or not you would like the Department to list your company and associated Technology on the public SAFETY Act Web site page as a Designated Seller of anti-terrorism technologies.

Qualified Anti-Terrorism Technology (QATT) Information

RE 2.1. QATT Name

Enter the name of your Technology. Use the name that appears on your most recent Certificate of SAFETY Act Designation or Modification Notice.

RE 2.2. QATT Application ID Number

Enter a unique identifier for your renewal application.

RE 3. Description of Renewal

Point of Contact (POC) Information

This information will be pulled in from your user account Primary POC and Secondary POC and displayed in the Seller Information section of your application. If the information is no longer current, please update your user account information by following the instructions on the Seller Information page.

RE 4. Technical Specifications

RE 4.1. The purpose of this item is to help the Department understand what, if anything has changed with your QATT since the most recent Designation or Modification, and allow you to review “Exhibit A.” Recall that Exhibit A is the legal definition of your QATT for the purposes of the SAFETY Act.

RE 4.2. It is important to describe to the Department any changes in your quality control/quality assurance plans. This allows applies to any policies and procedures included in your QATT. This includes such things as changes to operator or practitioner training policies or schedules, deployment policies (such as installation plans or management plans), manuals, warranties, and other relevant technical documentation. Please provide copies of the *most recent versions* of these items and indicate what items underwent revision.

RE 5. Performance

RE5.1. Provide up to date deployment information. For example, if you are the maker of a sensor, how many units have been sold since receiving SAFETY Act protections? Where

are these sensors located? If you provide a service, how many locations do you service? What types of locations do your service? An up to date contract list might be appropriate in answering this question.

RE 5.2. In this item, the Department is requesting information that describes how your QATT has performed since your initial Award. Provide any information of which you are aware on the actual performance of your QATT during the term of your most recent Designation or Certification. This information could include reports from either test events or actual deployments in which the QATT was used after SAFETY Act protections were awarded. Include any new evidence of effectiveness of your Technology that is available. For products, this should include maintenance and reliability information. For services, this should include the results of internal and external audits or performance reviews. If you have elected to not collect information about your success in the field please indicate why.

RE 5.3. Describe how you maintained currency of your QATT, given technology changes and the evolving nature of threats. If you are aware of any relevant and new technical literature and reports in the trade press and general circulation media, include this.

RE 5.4. If there have been instances since your last award decision in which your QATT did not perform as projected in your successful application for SAFETY Act protections, please explain how you know that your Technology would still be effective against Acts of Terrorism.

RE 5.5. Often, unexpected challenges may arise during deployment that require changes to technical specifications or describe any challenges encountered during deployment, any changes made to counter any difficulties, and any impact that these changes have on the effectiveness of your QATT.

RE 5.6. For some QATTs, concerns may arise whether performance will degrade with the passage of time after manufacture or deployment. Accordingly, please: (1) provide evidence of which you are aware of on likely decays in performance of your QATT since manufacture or deployment; and (2) identify any steps you have taken to control these decays and/or inform buyers of your QATT of them. If available, provide POCs that have experience with your QATT and can provide information regarding its deployment and operation. If you specify POCs, notify these individuals in advance that a representative from the Office of SAFETY Act Implementation will be contacting them about your QATT.

RE 6. Safety

The purpose of this item is to help the Department verify that your QATT is safe for use as intended. Provide available information related to the safety of your Technology, for both its uses and those who many come in contact with it. This could include post deployment safety and hazard reports, descriptions of safety incidents during the term of your Designation, and similar data. If there have been safety related incidents with your QATT since your last award decision, please explain how you know that your Technology remains safe for use as intended.

RE 7. Insurance Information

RE 7.1. Did you notify your insurance carrier and/or insurance broker about the enhancements, alterations, or other significant changes to your QATT described above? If not, why not?

RE 7.2. Provide the information indicated below for any and all current liability insurance policies available to satisfy other otherwise compensable third-party claims arising out of, relating to, or resulting from an Act of Terrorism were your Technology deployed in defense against, response to, or recovery from such an act:

- a. Primary named insured (as it appears on your insurance policy)
- b. Additional named insured relevant to the technology Sellers.
- c. Type of Policy (Indicate all policies that apply, e.g. Comprehensive General Liability, Errors and Omissions, Aviation, Product Liability, SAFETY Act Liability, etc.)
- d. Policy dates (start and end).
- e. Insurer.
- f. Per-occurrence limits. (Indicate whether each policy has a different limit or deductible/self-insured retention for terrorist acts from the general policy limit and, if so, provide both.)
- g. Aggregate limits.
- h. Annual Premium(s). (Indicate what percentage of the premium is allotted to coverage for Acts of Terrorism. Consult with your insurance carrier or broker if you do not have this information.)
- i. Deductible(s) or self-insured retentions.
- j. Exclusions. (Note and explain any pertinent insurance exclusions, cancellation terms, or limits that would potentially dilute or eliminate the availability of coverage under the policies identified in 6b.iii. above.)
- k. Types and limits of terrorism coverage for this policy. (Elaborate on the applicability of the policies identified in 6b.iii. above to address the foreseeable risks associated with the deployment of the Technology, including risks arising from the deployment of the Technology in advance of or in response to an Act of Terrorism. Please also indicate whether the identified policies provide coverage under the Terrorism Risk Insurance Act of 2002, as amended, or under other insurance provisions or endorsements.)

1. Dedicated or shared limit. (describe whether the relevant policies cover SAFETY Act claims and whether they have a dedicated limit that applies to SAFETY Act claims only or a shared limit (i.e., share with non-SAFETY Act claims). Also indicate whether you have received a written interpretation letter from the insurance carrier or broker indicating whether the policies cover SAFETY Act claims; if so, please provide a copy of such a document.)

RE 7.3. Supply the same insurance information requested in 6b above, but for the previous two years. If your insurance has not changed, please indicate this; however, you must include premium information as requested in 6b for the previous two years.

RE 8. Financial Information

RE 8.1. Financial Information

- a. Provide actual QATT revenue for the past three fiscal or calendar years.
- b. Also provide QATT revenue projections for the next three years.
- c. Provide the prior year's actual or the current year's projected income statement.

RE 8.2. List and briefly describe lawsuits files involving your QATT.

RE 8.3. List and briefly describe non-adjudicated settlements involving your QATT.

RE 8.4. Provide data on the deployment by calendar year of the QATT since you received SAFETY Act protections.

RE 9. Summary of QATT Qualifications

Include any other information the Department should consider in evaluating your application for renewal.

Additional Attachments

In the process of answering the questions above, you might find it useful to attach additional documents in support of your answers. These items can be included in your application by using the "Additional Attachments" feature. When answering the items above, it is appropriate to refer to attachments by name or number. Examples of common attachments might include, but are not limited to, the following: test reports demonstrating the effectiveness of the Technology, operating manuals, training manuals, project/program management plans, quality assurance plans, quality control plans, copies of company certifications, testimonials from customers, and warranties.

Declaration for Written Submissions

An authorized agent of the Applicant must, in the presence of a Notary, sign and date this form before submitting it to OSAI. For electronic or Web submissions, follow the instructions provided at safetyact.gov.