



Instructions for Filing an Application Related to Explosive Detection System (EDS) Performance-Based Logistics (PBL)

Note: In order to access the application associated with this procurement, you must first create an applicant account. To create an applicant account, select “Login/Apply Now” from the www.safetyact.gov home page and follow the “Register New Applicant” link found on the right-hand side of the page.

Once you have registered, log in and select “Create Procurement Application” under “Applicant Tools.” From the list, select “Explosive Detection System (“EDS”) Performance Based Logistics (“PBL”).” Once you have read and understand the instructions you may select “Create Application” and proceed to filling out your application.

Instructions:

Selected Vendors under EDS PBL (Solicitation No. TBD) are eligible for a **streamlined**, expedited review. Under the terms of this notice, Selected Vendors need only answer questions D.13, D.16, exclusive of D16.5, and D.17 of the SAFETY Act Designation application (see below).

The failure to provide answers to the requested Designation Application questions will result in an Incompleteness Letter, and require the resubmittal of your application. Please note below the requisite questions and provide answers to them using the online Designation Application Form after creating your applicant account.

Certification (Items C.4 through C.6) will not be granted unless the Applicant can demonstrate through operational deployment the Technology will “perform as intended,” “conforms to the Seller’s specifications,” and “is safe for use,” as per Public Law 107-296, Subtitle G (the “SAFETY Act”). At this time, Certification applications for the EDS PBL program are not subject to expedited review.

If you have trouble with this process please call the Help Desk at 1-866-788-9318.

Questions to be Answered from Designation Application:

D.13. Please describe how your plans for selling, deploying, or maintaining your Technology would be affected if the Department did not issue a Designation for your Technology. Please describe how your Technology will be deployed in the future if SAFETY Act Designation is issued.

D.16. Insurance Data

D16.1. Please provide the information indicated below for any and all current liability insurance policies 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 address the foreseeable risks associated with deployment of the Technology, including those risks arising from 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.

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.

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 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 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 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 you have contacted them and 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.

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 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 requested should reflect revenue generated specifically from CCSF operations, which is the screening of all cargo for U.S. passenger aircraft.

When providing this information please provide a breakdown of the revenue between: (1) your U.S. air cargo operations and (2) U.S. air cargo operations for passenger aircraft.

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.