

# SAFETY Act

Post-Decision Processes:

Insurance Certifications, Contours, Notices of Modification,  
Notices of License, and Transfer Applications

20 August 2013



Office of SAFETY Act Implementation (OSAI)  
DHS S&T



## Homeland Security

Science and Technology





# Webinar Content

## **SAFETY Act**

- Brief Overview

## **Insurance Certifications**

- Tips for Submission

## **Contours**

- Technical and Economic Contours
- Tips for Submission

## **Notice of Modification**

- Purpose and Examples
- Evaluation Process and Timelines

## **Notice of License**

- Tips for Submission

## **Transfer Applications**

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- Evaluation Process and Timelines

## **Resources**

- Additional Information and Contact Details



# The SAFETY Act

- The Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (SAFETY Act) was enacted as part of the Homeland Security Act of 2002 (Title VIII, Subtitle G)
- Intended to facilitate the development and deployment of ***Anti-Terrorism Technologies*** by creating systems of “risk and litigation management”



**Certified**



**Designated**



**DT&E Designated**

# SAFETY Act Security Online



The Web site is certified and accredited by the DHS Office of the Chief Information Officer (CIO) indicating compliance with security protocols/requirements.

All users sign Conflict of Interest/Non-disclosure Agreement statements per application.





# Insurance Certifications



**Sellers confirm that they obtain and maintain insurance**

**To do list:**

- Review “Liability Insurance” section in Designation Letter
- Login in to the SAFETY Act Web site
- Submit on corporate letterhead, a signed statement confirming that you have and will maintain the insurance requirement located in the Designation Letter



# Insurance Certifications

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We recommend the following language, when submitted on corporate letterhead signed by an appropriate corporate representative, to comply with the requirement:

“Pursuant to Section 25.5(h) of the Regulations, *Seller Name*, hereby certifies that it will maintain the insurance required in the Certificate of SAFETY Act Designation, dated *Date Designation was issued*, concerning the above referenced Technology.”



# Economic & Technical Contours



**Contours are continuing or one-time reporting requirements**

**Purpose for the DHS:**

- Examine Yearly Data
- Verify Fulfillment of Activities or Deployments
- Obtain Updated Status Information on a Technology

# Economic Contours

Provide updated information on your insurance that responds to third- party claims arising from Acts of Terrorism:

- Technology Revenue
- Updated Projections
- Corporate Revenue



**Tip: Provide responses to Items D16.1, D16.4, and D17 from the Designation Application Packet, as well as actual Technology revenue from the previous year!**



# Technical Contours

Technical contours, and the data requested, are company/Technology specific.

The “due date” can vary.

Tip: Examine your Designation and Certification letters carefully and contact Office of SAFETY Act Implementation (OSAI) if you need additional clarification.



# Tips for Contour Submissions

 **PRINTER FRIENDLY MATERIALS**

**CATEGORY:**  

-  Application Kit (PDF)
-  Application for Block Certification and Instructions
-  Application for Block Designation and Instructions
-  Application for Certification and Instructions
-  Application for D,T and E Designation and Instructions
-  Application for Designation and Certification and Instructions
-  Application for Designation and Instructions
-  Application for Registration and Instructions
-  Application for Transfer and Instructions
-  Block Standards Instructions
-  **Contour Instructions**
-  Final SAFETY Act Rule (PDF)
-  GRaDER Block Designation Notice
-  Guidance for Developers of Anti-Terrorism Standards
-  Notice of License Form and Instructions

- Instructions can be viewed online
- Details of specific contour requirements are in the Designation letter under “Other Conditions” or “Insurance Contour”



# Notice of Modification



**DHS should be notified of relevant QATT modifications**

## **Modification Types:**

- Administrative
- Technical
- Economic



# Administrative Modifications

- Discuss what you wish to change and why this change is necessary
- Provide any supporting materials needed to support your request as attachments



# Technical Modifications

## Submit:

- Description of the change and a markup of the Exhibit A contained in your original Designation and/or Certification or in your most recent amended Designation and/or Certification
- Information supporting that any additional product or service components are effective
- Updated insurance and revenue information as needed

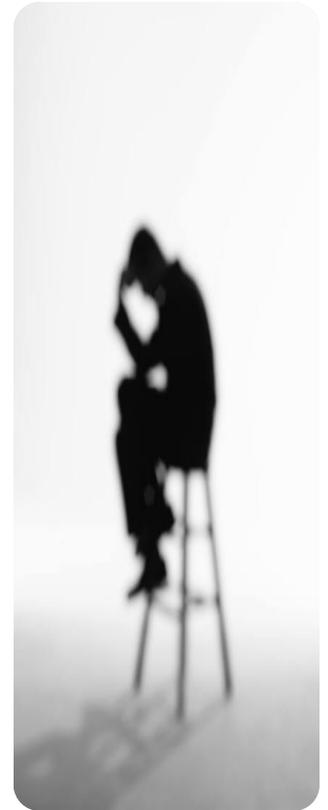




# Technical Modifications

- Identify the change. Is this modification within the scope of the Technology?
- Review technical information submitted in your original application and be prepared to submit similar information for your Modification.
- Consider what information still applies and what information should be updated in your Notice of Modification.
- Communicate with OSAI about your specific Notice of Modification before submittal.

**Tip: Remember to reference all attachments and provide a Table of Contents!**



# Economic Modifications

Provide:

- Updated information on your insurance that responds to third-party claims arising from Acts of Terrorism
- Updated Technology Revenue and Projections
- Corporate Financial Statements
- Organizational Charts

**Tip: Attach documentation that supports your proposed Modification.**



# Insurance Petitions

Provide:

- Updated information on your insurance that responds to third-party claims arising from Acts of Terrorism
- Updated Technology Revenue and Projections
- Corporate Financial Statements
- Discussion as to why your insurance requirement warrants changing



**Tip: Make your case in the discussion, and prove it with the data!**

# Tips for Submission

PRINTER FRIENDLY MATERIALS

CATEGORY: ALL Documents

- Notice of Modification of QATT and Instructions
- Pre Application Form and Instructions
- Procurement Pre Qualification Request and Instructions
- Procurement Pre-Qualification Assistance
- Q\_D7
- Q\_D8
- Renewal Instructions
- SA Mark User Agreement
- SAFETY Act 101 Briefing
- SAFETY Act Fact Sheet
- SAFETY Act Legislation - Subtitle G (PDF)
- Step-by-Step User Guide
- TSA-ILS Filing Instructions

Instructions and forms can be viewed online

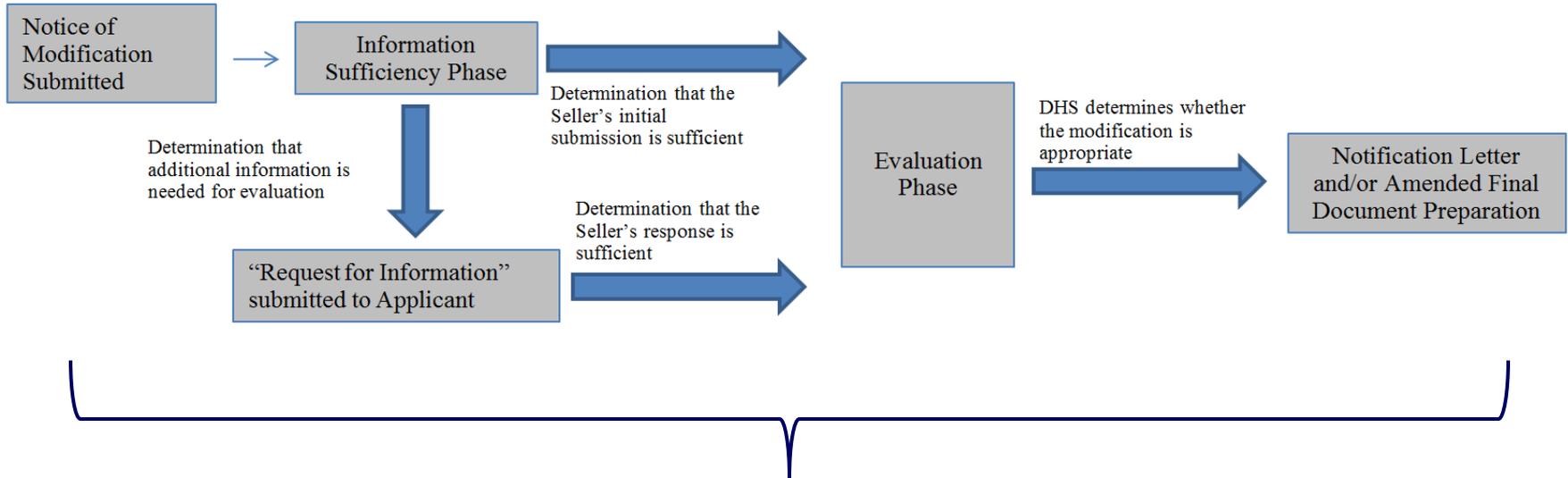
- Technical Modification
- Insurance Petition

Items Requested

- Seller Name
- QATT Information
- Modification Type
- Effects of Modification
- Insurance Information
- Revenue Projections



# Timelines for Modifications



60 days....

However, Request for Information (RFI) can extend the process! Please make sure you submit all the information needed to review your Notice of Modification. When in doubt, contact OSAI before you submit the Notice of Modification.



# Notice of License



## **Notify DHS within Thirty Days of Entering a License Agreement**

### **Information to Submit:**

- Method of License
- Copy of Licensing Agreement
- Discussion of any impacts to the QATT

# Tips for Submission

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-  Application for Transfer and Instructions
-  Block Standards Instructions
-  Contour Instructions
-  Final SAFETY Act Rule (PDF)
-  GRaDER Block Designation Notice
-  ~~Guidance for Developers of Anti-Terrorism Standards~~
-  Notice of License Form and Instructions

Instructions and forms can be viewed online

Items Requested:

- Name of Licensee
- Method of License (Exclusive vs. Non-Exclusive)
- Date of Commencement and Term of License
- Description and Copy of License Agreement

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# Transfer Applications



## **Notify the DHS if You Have Sold Company/Technology**

### **Information to Submit:**

- Name of the Transferor and Transferee
- Transferee's Insurance and Financials
- Copy of any relevant supporting documents

# Tips for Submission

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Instructions and forms can be viewed online

Items Requested:

- Names of Transferor and Transferee
- Information on the Transferee's Insurance and Financials
- Discussion on the impact of the transfer on provision of the Technology and any supporting documents.



# Additional Information

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Online: [www.safetyact.gov](http://www.safetyact.gov)

- FAQs
- Help Topics
- Step-by-Step User Guide
- SAFETY Act 101 Briefing
- SAFETY Act Fact Sheet
- Help Desk: Online form for questions requiring an individual response

Email: [SAFETYActHelpDesk@dhs.gov](mailto:SAFETYActHelpDesk@dhs.gov)

Toll-Free: 1-866-788-9318

Schedule a Teleconference: 202-254-8637



# Homeland Security

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Science and Technology