

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.”¹

(Certification Application Form on following page)

¹ 6 USC § 442(d)(2).

Privacy Act Notice: DHS Authority to Collect This Information: 6 U.S.C. §§ 441–444 (the “SAFETY Act”) and 6 C.F.R. Part 25, 71 Fed. Reg. 33147, 33159. **Principal Purposes:** DHS collects telephone numbers, addresses, and other identifying information for the purpose of contacting individuals seeking liability protections on issues related to the SAFETY ACT application process. **Routine Uses and Sharing:** In general, DHS will not use this information for any purpose other than DHS personnel contacting the individual. However, DHS may release this information of an individual on a case-by-case basis as described in the S&T SAFETY Act System of Records Notice (SORN), which can be found at: www.dhs.gov/privacy. **Disclosure:** Submission of this information is voluntary and an individual may opt not to provide the requested information or to provide only some of the information DHS requests. If an individual chooses to opt not to provide some or all of the requested information, DHS may not be able to process the individual’s request.

PRA Burden Statement: An agency may not conduct or sponsor an information collection and a person is not required to respond to this information collection unless it displays a current valid OMB control number and an expiration date. The control number for this collection is 1640-0001 and this form will expire on XX/XX/XXXX. The estimated average time to complete this form is 40 hours per respondent. If you have any comments regarding the burden estimate you can write to Department of Homeland Security, Science and Technology Directorate, Washington, DC 20528.

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 with 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.