

Document Name: NIJ CTP Ballistic BA Agreement	Approval Date: 31 Mar 2013
Revision: 14 Jun 2013	Implementation Date: 14 Jun 2013
OMB Number: 1121-0321	Expires: 31 Mar 2016

## National Institute of Justice Compliance Testing Program Ballistic Body Armor Agreement

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This information is being requested pursuant to 6 U.S.C. 162(b)(4) and 6 U.S.C. 162(b)(6)(B). The disclosure is voluntary. The information provided on this form will be used by the National Institute of Justice to administer a product conformity assessment program for products used by law enforcement and correctional officers. This information and the associated products are voluntarily submitted under the Compliance Testing Program.

### PRIVACY ACT NOTICE:

This document contains **Confidential Commercial Information**.

The National Institute of Justice Compliance Testing Program (hereafter, the NIJ CTP) shall use reasonable efforts to maintain confidential all information identified as "Confidential Commercial Information" that it obtains from the Applicant. Confidential Commercial Information shall not include information that is (a) publicly available; (b) subsequently acquired by the NIJ CTP from other sources in a manner that does not constitute a breach of this Agreement; (c) disclosed by the NIJ CTP when deemed, at its sole discretion, to be necessary to the NIJ CTP's performance of the requested conformity assessment; (d) required to be produced pursuant to an order or command of any judicial or regulatory authority; (e) required by any common law or statutory duty; or (f) disclosed in the interest of officer safety.

The NIJ CTP shall take reasonable steps to safeguard Applicant data within the NIJ CTP systems prior to external transmission and may transmit Applicant's Confidential Information and data to Applicant through the Internet or any public network, unless otherwise directed in writing by Applicant.

Test ID: \_\_\_\_\_

Final Model Designation: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

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**The Applicant hereby expressly acknowledges and agrees as follows:**

1. Failure to comply with all provisions of this agreement constitutes grounds for suspension or revocation of NIJ compliance status of both the model in question and any other models the applicant also has listed.
2. **Materials of Construction and Evidence of Acceptable Ongoing Ballistic Performance:** The Applicant shall initial one of the following options as applicable to the model identified above:
 

\_\_\_\_\_ Option 1 - The model described herein contains no material named in any NIJ Advisory Notice in effect at the time of submission of this model for NIJ Compliance testing.

\_\_\_\_\_ Option 2 – The model described herein contains material named in any NIJ Advisory Notice in effect at the time of submission of this model for NIJ Compliance testing. Applicant has included with this application evidence (e.g., design drawings and specifications, lists of materials of construction of each component of the model, research, ballistic testing, descriptions of performance characteristics of critical components or materials) that demonstrates to the satisfaction of NIJ that the model will maintain ballistic performance (consistent with its originally declared threat level) over its declared warranty period (Note: Manufacturers should anticipate that NIJ's review of the evidence may take a substantial amount of time to complete).
3. Effective the date that the model is listed on the NIJ Compliant Products List, the applicant hereby agrees to label all subsequent production units of the model listed in this document in accordance with the labeling requirements of Ballistic Armor Labeling Guidance of the *CTP Applicant Package*.
4. The manufacture of all production units marked with the Model Designation provided above shall be identical in all respects to the samples previously supplied and tested under the Test ID provided above. This includes the ballistic materials (i.e., material type, style, weave, water-repellant treatment, ballistic panel covers), number and sequence of layers, stitching and permanent or non-removable covering (to include waterproofing). Any changes or modifications to the previously approved construction details may constitute a design change and therefore must be submitted to the NIJ CTP for evaluation prior to implementing any changes.
5. A system of traceability shall be maintained between each listed armor produced (based on a unique model designation/serial number/lot number combination) and both the materials used to construct the armor and the purchaser.
6. All records associated with this model shall be preserved for at least one year beyond the service life of this model i.e., one year beyond the last date of production plus the length of warranty.

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7. Satisfactory participation in the NIJ Ballistic Body Armor Compliance Testing Program requires satisfactory participation in the associated surveillance (Follow-up Inspection and Testing, or FIT) program at each manufacturing facility where the model is produced.
8. Surveillance consists of an onsite inspection of manufacturing records and the selection of samples for destructive testing and inspection. Additional details concerning the surveillance process is available on request and may be periodically revised as NIJ sees fit.
9. Prior to beginning production at a new manufacturing location, the applicant shall notify NLECTC-National by completing an NIJ CTP Manufacturing Location Notification. The notification shall be made sufficiently in advance of production in order to schedule an inspection.
10. Following NIJ's issuance of a letter of attestation, each manufacturing location at which a model is produced shall have a surveillance inspection prior to shipping any production from that facility. The first surveillance inspection for a new model/location is referred to as an Initial Product Inspection (IPI).
11. Following the IPI, models will typically be inspected at least once every 10 months.
12. The applicant is responsible for all fees and costs incurred during the surveillance (Follow-up Inspection and Testing, or FIT) program process.
13. If the ballistic body armor model is manufactured under an NIJ CTP approved body armor quality management system (BA-QMS), the frequency of that model/location may be reduced to once every 20 months.
14. The inspection frequency may be increased based on poor performance during any of the previous inspections of that facility.

**Applicant Signatory or Representative**

(an officer or representative of the Applicant who has the authority to bind it)

(Name/Title): \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

The Applicant agrees to the terms of this agreement and warrants that it has made no alterations to its text. The undersigned represents and warrants that he/she is authorized to execute this agreement on behalf of the Applicant.

\_\_\_\_\_  
 Signature Date