

Vendor Certification With U.S. Export Control Laws and Regulations

Name: _____

Address: _____

Billing Address: _____

Export Compliance Point of Contact: _____ Title: _____

e-mail: _____ Telephone Number: _____

Please complete this form and e-mail a pdf copy to:

Kevin Presley – Compliance Manager

E-mail: kpresley@redviking.com

Telephone: (734) 454-0500

As a potential supplier to RedViking, your company acknowledges that information exchanged between RedViking and your company may include the use of, or access to export controlled technical data or hardware. Before we can begin activities, discussions, or send you export controlled technical data (drawings, schematics, etc.) or hardware, your company must certify that the following statements are true and that your company will comply with the following export control requirements.

1. Your company is incorporated or registered to do business in the U.S.
2. Any employees of your company who will have access to export controlled technical data, technology, software, or hardware have been advised of their obligations regarding compliance and will be subject to the same export control regulations.
3. Your company certifies that it will comply with all applicable U.S. Government export control regulations before: (1) disclosing export controlled technical data, including drawings and specifications, to any person who is not a U.S. person, (2) providing any person who is not a U.S. person with access to export controlled technical data and/or hardware, or (3) assigning any person who is not a U.S. person to perform work which requires access to export controlled technical data and/or hardware.
4. Your company agrees to ensure that the export requirements cited herein are also conveyed to all sub-tier suppliers that may have access to export controlled technical data, technology, software or hardware and that prior written approval from RedViking shall be obtained prior

to transferring export controlled technical data, technology, software, or hardware to any sub-tier supplier.

5. Your company will immediately notify RedViking if your company is acquired by a foreign person as defined within the regulations (government or company) or if your company is owned or controlled by a foreign person.
6. Your company will not remove any ITAR or EAR export control markings on RedViking technical data unless specifically authorized in writing by RedViking.
7. Your company agrees that it will register, if not already registered and not entitled to any exemptions from registration, with the Directorate of Defense Controls (DDTC) prior to the manufacture of an ITAR controlled defense article or provisioning of an ITAR controlled service on behalf of RedViking.
8. Your company does not have manufacturing facilities outside the U.S. If your company does have such facilities which may be used to manufacture a part for RedViking, your company will comply with the U.S. export control laws.
9. Names of any subcontractors your facilities may use: _____

10. Your company certifies to the following in compliance with ITAR §126.13:

_____ The applicant or the chief executive officer, president, vice-presidents, secretary, partner, member, other senior officers or officials (e.g., comptroller, treasurer, general counsel) or any member of the board of directors is the subject of an indictment or has been otherwise charged (e.g., by criminal information in lieu of indictment) for, or has been convicted of, violating any of the U.S. criminal statutes enumerated in §120.27 of this subchapter;

_____ The applicant or the chief executive officer, president, vice-presidents, secretary, partner, member, other senior officers or officials (e.g., comptroller, treasurer, general counsel) or any member of the board of directors is ineligible to contract with, or to receive a license or other approval to temporarily import or export defense articles or defense services from any agency of the U.S. Government;

_____ To the best of the applicant's knowledge, any party to the export as defined in §126.7(e) has been convicted of violating any of the U.S. criminal statutes enumerated in §120.27 of this subchapter, or is ineligible to contract with, or to receive a license or other approval to temporarily import or export defense articles or defense services from any agency of the U.S. government; and

_____ The natural person signing the application, notification, or other request for approval (including the statement required by this subchapter) is a citizen or national of the United States,

has been lawfully admitted to the United States for permanent residence (and maintains such lawful permanent residence status) under the Immigration and Nationality Act, as amended (8 U.S.C. 1101(a)(20), 66 Stat. 163), or is an official of a foreign government entity in the United States, or is a foreign person making a request pursuant to §123.9 of this subchapter.

(10) Your company certifies that the company, its executive officers, and members of the board of directors are not listed on any Restricted Party list of the U.S. Government, any applicable non-U.S. Government or international organization, or any applicable state, local government, or municipality and their export control privileges are not denied, suspended or revoked.

(11) Your company certifies to the following registration status with the Directorate of Defense Trade Controls (DDTC):

Check one:

Your company is registered with the Directorate of Defense Trade Controls (DDTC).
Registration expiration date: _____

OR

Your company is not registered with the DDTC.

If you are not registered, please indicate that you **are** **are not** willing to register with the DDTC if it becomes a requirement.

If you are not registered, please indicate the reason why:

Your company is not in the business of either manufacturing or exporting defense articles

OR

Your company is exempt from registration with DDTC for the following reason/s (mark all that apply):

- 122.1 (b) (1)** – Officers and employees of US Government acting in official capacity
- 122.1 (b) (2)** – Persons whose pertinent business activity is confined to production of unclassified technical data only
- 122.1 (b) (3)** – Persons all of whose manufacturing and export activities are licensed under the Atomic Energy Act of 1954, as amended
- 122.1 (b) (4)** – Persons who engage only in the fabrication of articles for experimental or scientific purpose, including research and development

If you are not registered and are required to do so, please provide the status of your registration application: _____

(12) Your company will immediately notify RedViking of any changes in its status affecting this certification or affecting its standing with the U.S. Government with regard to export compliance and/or debarment.

Information Technology (IT) Security

Do you self-attest you are compliant to DFARS 252.204-7012, Safeguarding Covered Defense Information and Cyber Incident Reporting? NOTE: Cyber Security related question, for informational purposes only, result of this question should not contribute to score. If the answer to this question is "No", then supplier cannot receive CDI and/or CUI.

Yes No

Are you utilizing a System Security Plan (SSP) and/or a Plan of Action and Milestones (POAM) in their consideration of compliance to DFARS 252.204-7012?

Yes No

As a duly authorized representative of your company, you certify that your company will comply with all statements herein and that all statements herein regarding your company are true.

Signature: _____

Printed Name: _____ Title: _____

Company Name: _____

Date: _____

Government Citations:

The U.S. Department of State (State Dept.) under the authority of the Arms Export Control Act (AECA) controls the export and temporary import of military items. The U.S. Department of State's Directorate of Defense Trade Controls (DDTC) implements this authority through the International Traffic in Arms Regulations (ITAR) (22 C.F.R. Parts 120-130).

The U.S. Department of Commerce's (Commerce Dept.) Bureau of Industry and Security (BIS), under the primary authority of the Export Administration Act, which expired in 1994, and has been extended through the International Emergency Economic Powers Act (IEEPA), controls "dual-use" items – i.e. commercial items that can be used in either civilian or military applications. The U.S. Department of Commerce implements this authority through the Export Administration Regulations (EAR) (15 C.F.R. Parts 730-774).

The U.S. Department of Treasury (Treasury Dept.), Office of Foreign Assets Control (OFAC) enforces U.S. economic and trade sanctions or "embargoes" against certain countries which have been implemented by individual Presidential Executive Orders and the implementation regulations (31 C.F.R. Parts 500-598).