

GENERAL DYNAMICS

Electric Boat

84-03-2205

Rev. 2/2018

EB USE ONLY

Buyer Name _____ Buyer# _____

New Supplier? Y N Vendor # _____

Eligible for Tech Data? Y N U-NNPI Restricted? Y N

Reviewer: _____ Date: _____

Reviewer Badge # _____

CERTIFICATION AND REPRESENTATION REGARDING FOREIGN OWNERSHIP, CONTROL OR INFLUENCE (FOCI)

Purpose: This form is used by Electric Boat (EB) to determine foreign ownership, control or influence (FOCI) of certifying companies and to determine their eligibility to receive technical data and unclassified NNPI (U-NNPI), DoD-Controlled Information and/or Export-Controlled Information.

Instructions: This form must be completed and signed by an Officer, Owner or duly authorized agent of the certifying company. If any of the information in this document changes, the certifying company must promptly notify EB.

“**Certifying Company**” refers to business, entity, individual and/or firm. “**Foreign**” refers to non-U.S.

Section A - Business Information

(1) Certifying Company Principal Place of Business

Legal Entity Name: _____

Principal Address (Number, Street): _____

City: _____ State: _____

Postal Code (Full 9 digits for U.S.): _____

Country: _____

Telephone: _____

(2) Manufacturing / Performance Address (for work proposed to be performed hereunder). (Include ALL additional manufacturing locations used for work performed for Electric Boat. Attach additional sheets as needed)

Same as Principal Address

Manufacturing/Performance Address (Number, Street): _____

City: _____ State: _____

Postal Code (Full 9 digits for U.S.): _____

Country: _____

Telephone: _____

Manufacturing/Performance Address (number, street): _____

City: _____ State: _____

Postal Code (Full 9 digits for U.S.): _____

Country: _____

Telephone: _____

(3) Does the Certifying Company do business under any other trade name or assumed name? Yes No

If yes, provide name(s): _____

(4) The Certifying Company’s Commercial and Government Entity (CAGE) is as follows:

CAGE Code _____ No CAGE Code

(5) The Certifying Company’s primary North American Industry Classification System (NAICS) is as follows:

(Note: Certifying Company must provide primary NAICS code, for assistance visit <https://www.census.gov/eos/www/naics/>)

NAICS Code: _____

(6) The Certifying Company’s Data Universal Numbering System (DUNS) Number is: _____ **Expiration:** _____

(Note: To do business with EB, the certifying company will need to provide its DUNS number. The certifying company can request a DUNS number by calling <https://fedgov.dnb.com/webform/index.jsp>).

(7) The certifying company is organized and existing under the laws of _____ (State / Province) in _____ (Country)

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(8) Is the certifying company:

(a) owned or controlled, in whole or in part, by another company, the government or entity? Yes No

If yes, state name of country: _____

(b) a division or subsidiary of another company or entity? Yes No

If the above responses for either 8(a) or 8(b) is Yes, the certifying company must provide the following information.

(Attach additional sheets as needed):

Name of Immediate Parent: _____

Address of Immediate Parent: _____

Place of Incorporation: _____

Certifying Company's Relationship to Immediate Parent: _____

Name of Ultimate Parent: _____

Address of Ultimate Parent: _____

Place of Incorporation: _____

Certifying Company's Relationship to Ultimate Parent: _____

**Section B - Certifications and Representations regarding Foreign Ownership Control or Influence (FOCI)
(U.S. certifying companies only):**

(1) Foreign Ownership, Control or Influence (FOCI)

For the purposes of this section, "Foreign National" and "Foreign Interest" shall have the same meaning as defined in OPNAVINST N9210.3. "Significant Interest" shall have the meaning given to it in the clause at DFARS 252.209-7002.

A certifying company is considered to be subject to FOCI if:

- It is owned or controlled by a "Foreign National" or "Foreign Interest"; or
- a "Foreign National" or "Foreign Interest" has a "Significant Interest" in the certifying company or any parent of certifying company; or
- it is in partnership with a "Foreign National" or "Foreign Interest".

- (a) For any of the companies or entities identified in this form (includes attachments), does a foreign person(s), foreign entity, or any government, individually or collectively, hold a "significant interest"? Specifically a "significant interest" is:
- (i) ownership of or a beneficial interest in at least 5% or more of the firm's or subsidiary's securities. Beneficial interest includes holding 5% or more of any class of the firm's securities in "nominee shares," "street names," or some other method of holding securities that does not disclose the beneficial owner;
 - Yes No
 - (ii) holding a management position in the firm, such as a director or officer;
 - Yes No
 - (iii) ability to control or influence the election, appointment, or tenure of directors or officers in the company;
 - Yes No
 - (iv) ownership of 10% or more of the assets of a firm such as equipment, buildings, real estate, or other tangible assets; or
 - Yes No
 - (v) 50% or more of the indebtedness of a firm.
 - Yes No

If certifying company checked yes to any of the above boxes in 1(a), provide specific details; including nationality of such owners, controllers, or interests (attach additional pages if needed): _____

- (b) Does any foreign person(s), foreign entity, or any government, have the power, direct or indirect, whether or not exercised, and whether or not exercisable through ownership of the company's securities, by contractual arrangements or other means, to direct or decide matters affecting the management or operations of any of the companies or entities identified in this form, in a manner which may result in unauthorized access to U.S. technical data or information or may adversely affect the performance of classified and/or unclassified contracts?
- Yes No

If yes to the preceding question, provide specific details, including the foreign person, foreign entity or government (attach additional pages if needed): _____

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Section C - Eligibility for access to Controlled Unclassified Information including Export Controlled Information

(1) Safeguarding Covered Defense Information and Cyber Incident Reporting (DFARS 252.204-7012)

Note: certification is required for any company providing operationally critical support or receiving covered defense information as defined at <http://www.archives.gov/cui/registry/category-list.html>

The certifying company has read and agrees to comply with DFARS 252.204-7012, if applicable. Yes No

(2) U.S. State Department Registration:

Note: All manufacturers, exporters, and brokers of defense articles, related technical data and defense services as defined on the [United States Munitions List \(Part 121 of the ITAR\)](#) are required to register with the Directorate of Defense Trade Controls (DDTC).

The certifying company:

Is **Is not** registered as a broker, manufacturer or exporter of defense articles or provider of defense services pursuant to the International Traffic in Arms Regulations (ITAR), 22 CFR 122.

If yes, the certifying company's registration expires on _____; and

The certifying company agrees that the registration will remain in effect while the company is involved in EB transactions.

Yes No

(3) Information Regarding Certifying Company's Employees:

(a) Does the certifying company employ dual nationals (i.e., dual citizens) and / or third country nationals (i.e., a citizen of a country other than the U.S. or the country in which the certifying company is located)? Yes No

(b) If the above response to 3(a) is Yes, will a dual national or third country national require or have access to export-controlled defense articles, technical data, and/or defense services provided by EB? Yes No

If the above response to 3(b) is Yes, state the employee's full name and the nationality or dual nationality of each such employee in the space below: _____

(For multiple employees, attach additional pages)

(4) Control of Access to U.S. Technical Data Other Than Naval Nuclear Propulsion Information (NNPI):

Does the certifying company have a written Access Control Plan/Technology Control Plan (ACP/TCP)? Yes No

The ACP/TCP prevents unauthorized export, release or disclosure of unclassified technical data and export controlled information and items, within and outside the U.S. to unauthorized persons, including unauthorized employees, foreign nationals, foreign interests and the public. For additional information, go to http://www.gdeb.com/suppliers/4_future_suppliers/ and click on the "Resources for Assistance in Developing an Access Control Plan/Technology Control Plan" link.

(5) Department of Defense (DoD) Issuances on Control of Technical Data.

The certifying company has read and agrees to comply with applicable requirements of DoD Manual 5200.01, Vol 4, Information Security Program: Controlled Unclassified Information (CUI) and DoD Directive 5230.25, "Withholding of Unclassified Technical Data from Public Disclosure" for identifying, marking, accessing, storing, transmitting and disposition or US Technical Data.

(See [http://www.esd.whs.mil/DD/DoD Directives Division](http://www.esd.whs.mil/DD/DoD%20Directives%20Division)) Yes No

(6) U.S./Canada Joint Certification Program (JCP) certification through the Defense Logistics Information Service (DLIS). (U.S. and Canadian certifying companies only)

JCP Certification establishes the eligibility of a U.S. or Canadian contractor to receive certain controlled unclassified technical data subject to U.S. and/or Canadian export control laws and regulations. Note that JCP is CAGE Code specific. For DLIS FAQ and application form, visit <http://www.dla.mil/HQ/InformationOperations/Offers/Products/LogisticsApplications/JCP.aspx>.

The certifying company (check one only):

a) Has an active JCP certification. Certification number: _____. Expiration Date: _____.

b) Does not have an active JCP certification.

c) Has applied for a JCP certification through DLIS and will notify EB promptly of its certification number and expiration date when certifying company's certification is in place.

Section D - Naval Nuclear Propulsion Information (U-NNPI)

Note: this section is only for U.S. Certifying Companies that require access to NNPI.

(I) Agreement to Control Access to Naval Nuclear Propulsion Information (NNPI). “Foreign national,” “foreign interest,” “need to know” and “NNPI” have the same meaning as defined in *OPNAVINST N9210.3*.

- (a) Which NNPI protection requirement is the certifying company required to implement:
 - OPNAVINST N9210.3, Safeguarding of Naval Nuclear Propulsion Information.
 - NN-801 “Guidelines for Control and Protection of Unclassified Naval Nuclear Propulsion Information
- (b) Has the certifying company read and agreed to comply with the NNPI protection requirement identified above?
 - Yes No
- (c) Does the certifying company have a written Access Control Plan/Technology Control Plan (ACP/TCP) that complies with OPNAVINST N9210.3 and/or NN-801 that (i) appropriately safeguards NNPI from unauthorized actual, potential, or inadvertent release in any form, classified or unclassified, and (ii) allows NNPI access to only U.S. citizens who are not “representatives of a foreign interest” and who have a “need to know”?
 - Yes No

Authorizing Signature

I certify that I am an officer, owner, or otherwise a duly authorized agent of the certifying company or entity and that the information given above and in any required attachment to this form is accurate, current and complete as of date of this signing.

I understand that this information will be relied on for (i) use in U.S. Government subcontracting purposes, and (ii) to determine the certifying company’s eligibility to receive Dept. of Defense or Export Controlled information, or NNPI and (iii) determine the certifying company’s eligibility to engage in export-related activities. Misrepresentation of the facts shall, in addition to any other remedies available at law or in equity, be cause for Electric Boat Corporation to terminate for default any work being performed or to be performed.

I understand and agree that the company shall defend, indemnify and hold harmless EB, its officers, employees, and agents from any losses, costs, claims, causes of action, damages, liabilities, and expenses, including attorney’s fees, all expenses of litigation and/or settlement, and court costs, arising under or related to any misrepresentation of the facts set forth in this certification.

I further understand that the company shall immediately notify EB, as soon as possible but no later than thirty days following the change, of any change of status regarding the facts set forth in this certification.

Signature of Certifying Company’s Authorized Representative

Certifying Company’s Name

Printed Name and Title of Signatory

Date
