Dear supplier,

The procurement of material, supplies, or services designated as a defense article under the U.S. Munitions List, as well as inherently military technologies requires compliance with various programs enacted into law, implemented by Executive Order and declared by Federal Regulations. The data required by this document is necessary in order to conduct business with Kollmorgen Corporation (Kollmorgen).

Companies involved in the manufacture, sale or distribution of International Traffic in Arms Regulations (ITAR) controlled goods or services must be “ITAR compliant.” The transfer or receipt of Technical Data, as defined below, requires suppliers to have appropriate safeguards in place on their information systems to be considered “cybersecurity compliant.” In accordance with the Kollmorgen Trade Compliance procedure, this New Supplier Profile is required by all suppliers from which Kollmorgen purchases ITAR controlled goods or services. Many of the products and services we procure from our suppliers use advanced technologies and processes, which makes Kollmorgen and our suppliers potential targets for sophisticated cyber threats or subject to export control regulations. The Department of Defense has emphasized that they will use cybersecurity maturity as a discriminator in source selection. As such, Kollmorgen is taking active steps to ensure compliance with cybersecurity regulations including the requirements of DFARS 252.204-7012, business size and classification representations as found in FAR Part 19, and compliance as outlined by the Directorate of Defense Trade Controls or the Bureaus of Industry and Security.

DEFINITIONS:

* Foreign National: All individuals in the United States or overseas who are not U.S. citizens or lawful permanent residents (i.e. U.S. green card holders).
* Technical Data: Information, other than software, which is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance and/or modification of defense articles. For more information, see §120.10 of the International Traffic in Arms Regulations (ITAR), 22 CFR 120 – 130.

ITAR REQUIREMENTS:

* The Supplier understands that they are required to register with the Directorate of Defense Trade Controls.
* The Supplier understands its responsibilities under U.S. export control laws and regulations, including ITAR, and certifies that it will not disseminate any ITAR-controlled Technical Data that would violate applicable export control laws and regulations.
* The ITAR restricts Foreign National access to ITAR-controlled Technical Data and Hardware. The Supplier will not allow access by any Foreign National to ITAR-controlled Technical Data packages or products without the prior written approval of the Prime Contractor. This includes Foreign National employees as well as Foreign Nationals outside the Supplier’s company, whether located in the U.S. or outside of the U.S.
* The Supplier will not assign any Foreign National to perform work which requires access to ITAR-controlled Technical Data or Hardware without the prior written approval of Kollmorgen.
* The Supplier will advise its employees who have access to ITAR-controlled Technical Data or Hardware of their obligations regarding compliance with points 2 through 4 above, and that it will actively monitor and enforce compliance.
* The Supplier will establish operating procedures and physical security measures designed to protect ITAR-controlled Technical Data packages and Hardware from inadvertent release or disclosure to Foreign Nationals or other unauthorized third parties.
* If the Supplier provides documentation or information containing ITAR-controlled Technical Data to subcontractors, it will mark and transfer such documents, emails, etc. with the appropriate markings and methods per ITAR and DFARS 252.204-7012 regulations.
* The Supplier will, within 30 days of the close of the RFQ (if not awarded the business) or contract, return to Kollmorgen or destroy all information and documents containing ITAR-controlled Technical Data, and all copies in its possession.

****Please return this certification to compliance@kollmorgen.com. Failure to do so will impact the ability to utilize your business as a source for future purchase orders or subcontracts. Please contact Kollmorgen via the e-mail address provided above for any questions.

Best Regards,

Katie Bogue

Logistics & Trade Compliance Manager

Kollmorgen Corporation

**GENERAL SUPPLIER INFORMATION**

|  |  |
| --- | --- |
| LEGAL ENTITY NAME      | PARENT COMPANY (IF APPLICABLE)      |
| DOING BUSINESS AS (IF APPLICABLE)      | CORPORATE WEBSITE      |
| STREET ADDRESS      | CITY/PROVINCE      | STATE   | ZIP/POSTAL CODE      |
| COUNTRY      | EMAIL ADDRESS      | TELEPHONE NO.      |
| CAGE      | DUNS #      | TAX ID #      |

**EXPORT/IMPORT CONTROLS (use the comments/details area to elaborate where required or if necessary)**

|  |
| --- |
| Kollmorgen requires that its suppliers, both domestic and foreign, certify certain information necessary to ensure compliance with US Government export control laws and regulations. Adherence to this requirement is necessary before Kollmorgen will place, or continue to place, any orders, participate in technical discussions or provide any items, data, or assistance.  |
| QUESTION | YES | NO | COMMENTS/DETAILS |
| 1. Is your company registered with the Directorate of Defense Trade Controls, US Department of State?
 | [ ]  | [ ]  | Expiration Date:     If Yes, skip to E |
| 1. Does your company have a new application in process?
 | [ ]  | [ ]  | Application Date:     If Yes, skip to E |
| 1. Does your company have a renewal application in process?
 | [ ]  | [ ]  | Application Date:     If Yes, skip to E |
| 1. If your business is not required to be registered with the US Department of State, provide the reason (check only one)
 | [ ]  | We supply/manufacture products that are subject exclusively to the controls of the Export Administration Regulation (EAR) and they are classified as      (Provide the Export Control Classification Number(s)) |
| [ ]  | Our activities as a distributor/reseller have not and do not involve the manufacture or export of defense articles. |
| [ ]  | We are a non-US company and are not subject to the US export regulation including registration requirements place on foreign persons acting in certain brokering capacities |
| [ ]  | Other; please explain |
| 1. Does your company employ persons or use contract labor or consultants with citizenship of a country other than the country of incorporation of your business?
 | [ ]  | [ ]  |  |
| 1. Does your company perform work at non-US facilities, affiliates, or subsidiaries with an address in a country other than the country of incorporation of your business for Kollmorgen transactions?
 | [ ]  | [ ]  |  |

|  |
| --- |
| All Kollmorgen US suppliers must comply with the US regulatory requirements contained in the US International Traffic in Arms Regulations (ITAR); 22 CFR §122.1, which states that: “*Any person who engages in the United States in the business of either manufacturing or exporting defense articles or furnishing defense services is required to register with the Directorate of Defense Trade Controls. Manufacturers of defense articles who do not engage in exporting must nevertheless register*.” Foreign persons may not be subject to US registration requirement if they are not participating in certain specific brokering activities. However, they are reminded that end-use and re-transfer requirements are imposed on many controlled goods originating in the US. |
| Supplier certifies that all employees or representatives of their company that will interact with Kollmorgen are not debarred or otherwise restricted from participation in government contracting or international transactions conducted under the jurisdiction of the EAR and ITAR. |
| Supplier has reviewed and complies with the U.S. export regulations as set forth in the International Traffic in Arms Regulations “ITAR” at 22 CFR parts 120-130, further defined at [https://www.pmddtc.state.gov/regulations\_laws/itar.html](https://www.pmddtc.state.gov/regulations_laws/itar.html%20) and has developed and deployed control processes, including but not limited to, restricted party screening and marking of export-controlled documents, sufficient to meet the requirements of applicable export/import laws and regulations and to prevent disclosure of technical information to unauthorized entities. Supplier may not disclose Buyer’s technical data to any foreign national or foreign country without prior written approval from Harris Corporation and either the US Department of Commerce (EAR) or the US Department of State (ITAR). Supplier understands that it is obligated to review all Kollmorgen provided information and in the event of any ambiguity, contact Kollmorgen immediately to obtain an export control determination in cases where export control jurisdiction has not been clearly marked or otherwise identified by Kollmorgen. |
| Supplier understands it is obligated to provide information on certain payments in accordance with 22 CFR 130. Specifically, if supplier provides over $500,000 of defense articles or services to Kollmorgen, Supplier may be required to provide Kollmorgen with information on all payments of fees commissions and political contributions paid by Supplier or on its behalf, with respect to the sale of goods or services to Kollmorgen. |

**CYBERSECURITY CONTROLS (use the comments/details area to elaborate where required or if necessary)**

|  |  |  |  |
| --- | --- | --- | --- |
| QUESTION | YES | NO | COMMENTS/DETAILS |
| Do you anticipate operating any “covered contractor information system,” as that term is defined in DFARS 252.204-7012 “Safeguarding Covered Defense Information and Cyber Incident Reporting,” paragraph (a), or handling Controlled Unclassified Information (CUI) in performance of Kollmorgen purchase orders or Subcontracts? | [ ]  | [ ]  |  |
| Have you implemented the controls required by FAR 52.204-21 “Basic Safeguarding of Covered Contractor Information Systems”? | [ ]  | [ ]  |  |
| Have you implemented the National Institute of Standards and Technology (NIST) Special Publication (SP) 800-171 controls on your relevant information systems? NIST Standard: [NIST SP 800-171 Rev. 1](https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-171r1.pdf) | [ ]  | [ ]  |  |
| If yes, what date did you complete a gap analysis of your information system?     If not, what date do you intend to be compliant?      |  |
| Has your company implemented the requirements of DFARS 252.204-7012 “Safeguarding Covered Defense Information and Cyber Incident Reporting”?   | [ ]  | [ ]  |  |

**Supplier business classification and NAICS codes**

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| --- |
| See Appendix A for business classification definitions.For additional information, contact your local U.S. Small Business Administration (SBA) district office or [www.sba.gov](http://www.sba.gov/).**NOTE:** The SBA establishes business size standards on an industry-by-industry basis based on the North American Industry Classification (NAICS) Ref. guide available via the Internet at <http://www.census.gov/eos/www/naics>, which best describes the principal nature of the product service being provided by your company. Non-U.S. business concerns should refer to <http://www.census.gov/eos/www/naics/faqs/faqs.html> for additional information. |
| **SELECT ONE BELOW** (NOTE TO NON-U.S. SUPPLIERS, SELECT “FOREIGN BUSINESS CONCERN’ ONLY) |
| [ ]  LARGE BUSINESS CONCERN | [ ]  STATE COLLEGE OR UNIVERSITY THAT IS NOT A HISTORICALLY BLACK COLLEGE OR UNIVERSITY OR MINORITY INSTITUTION |
| [ ]  SMALL BUSINESS CONCERN | [ ]  PRIVATE COLLEGE OR UNIVERSITY THAT IS NOT A HISTORICALLY BLACK COLLEGE OR UNIVERSITY OR MINORITY INSTITUTION |
| [ ]  FOREIGN BUSINESS CONCERN | [ ]  HISTORICALLY BLACK COLLEGE OR UNIVERSITY |
| [ ]  GOVERNMENT AGENCY | [ ]  MINORITY INSTITUTION |
| [ ]  NON-PROFIT ORGANIZATION |  |
| **SOCIOECONOMIC CLASSIFICATION SELECT ALL THAT APPLY** |  |
| [ ]  SBA-CERTIFIED 8(A) | [ ]  ABILITY ONE |
| [ ]  SMALL DISADVANTAGED BUSINESS | [ ]  DISABILITY OWNED |
| [ ]  WOMAN OWNED SMALL BUSINESS | [ ]  LESBIAN, GAY, BISEXUAL, TRANSGENDER (LGBT) |
| [ ]  SBA CERTIFIED HUBZONE | [ ]  WOMAN OWNED (LARGE) |
| [ ]  VETERAN OWNED SMALL BUSINESS | [ ]  TRIBALLY OWNED |
| [ ]  SERVICE DISABLED VETERAN OWNED SMALL BUSINESS | [ ]  ALASKAN NATIVE CORPORATION |
| [ ]  ECONOMICALLY DISADVANTAGED WOMAN OWNED SMALL BUSINESS | [ ]  NATIVE AMERICAN |
| [ ]  NATIVE HAWAIIAN ORGANIZATION (NON –PROFIT) | [ ]  NATIVE HAWAIIAN |
| ARE YOU A SBIR/STTR PARTICIPANT?  | [ ]  YES; PROVIDE THE AGENCY(S)       | [ ]  NO |
| HAVE YOU COMMERCIALIZED ANY SBIR/STTR TECHNOLOGY? | [ ]  YES; PROVIDE THE TECHNOLOGY AREA(S)       | [ ]  NO |
| DO YOU HAVE ANY SBIR/STTR PROJECTS WITH KOLLMORGEN? | [ ]  YES; PROVIDE DETAIL       | [ ]  NO |
| ARE YOU A MENTOR PROTÉGÉ PARTICIPANT WITH DOD? | [ ]  YES; PROVIDE AGENCY(S)       | [ ]  NO |
| ARE YOU A MENTOR PROTÉGÉ PARTICIPANT WITH CIVILIAN AGENCIES TO INCLUDE SBA? | [ ]  YES; PROVIDE THE AGENCY(S)       | [ ]  NO |
| DO YOU HAVE ANY MENTOR PROTÉGÉ AGREEMENTS (ACTIVE OR EXPIRED) WITH KOLLMORGEN? | [ ]  YES | [ ]  NO |
| PROVIDE ALL NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) CODES UNDER THE PRIMARY BUSINESS SIZE(S). |
| BUSINESS SIZE | NAICS CODES CORRELATED TO BUSINESS SIZE (USE SEPARATE SHEET TO IDENTIFY ADDITIONAL CODES) |
| [ ]  LARGE [ ]  SMALL |       |       |       |       |       |       |
| IF SUPPLIER IS CLASSIFIED AS BOTH LARGE/ SMALL IN DIFFERENT INDUSTRIES, PROVIDE ADDITIONAL BUSINESS SIZE / NAICS INFORMATION HERE |
| BUSINESS SIZE | NAICS CODES CORRELATED TO BUSINESS SIZE (USE SEPARATE SHEET TO IDENTIFY ADDITIONAL CODES) |
| [ ]  LARGE [ ]  SMALL |       |       |       |       |       |       |
| IF YOU ARE A SMALL, SMALL DISADVANTAGED, WOMAN OWNED SMALL DISADVANTAGED, SERVICE DISABLED VETERAN OR WOMAN OWNED SMALL BUSINESS, ARE YOU ALSO CERTIFIED BY THE SBA AS A HUBZone SMALL BUSINESS CONCERN[ ]  YES; PROVIDE A COPY OF THE LETTER FROM THE SBA [ ]  NO |
| The Supplier represents and certifies that the information provide above is true and understands that whoever for the purpose of securing a contract or subcontract under subsection (a) of Section 1207 of Public Law 99-661 misrepresents the status of any concern or person as a small business concern owned and controlled by a minority (as described in subsection (a)) shall (i) be punished by imposition of a fine, imprisonment, or both, (ii) be subject to administrative remedies including suspension and disbarment; and (iii) be ineligible for participation in programs conducted under the authority of the Small Business Act. |

**SUPPLIER REPRESENTATIONS, CERTIFICATIONS, AND OTHER STATEMENTS**

All written representations, certifications, and other statements that the supplier has made herein to buyer in connection with buyer’s evaluation of supplier’s responsibility and capability are accurate and truthful as of the date shown below. Supplier acknowledges, buyer has relied upon these statements in approving this supplier and agrees to advise the buyer promptly in writing should there be any change in the supplier's status with respect thereto. Failure to notify buyer of such changes in a timely and reasonable manner may result in supplier’s suspension or termination.

|  |  |
| --- | --- |
| NAME OF COMPANY OFFICIAL/REPRESENTATIVE      | TITLE      |
| TELEPHONE NO.      | FAX NO.      | EMAIL ADDRESS      |
| SIGNATURE | DATE      |

**APPENDIX A – Business Classifications**

|  |  |
| --- | --- |
| **Business Classification** | **Definition** |
| **FOREIGN BUSINESS CONCERN** | A business concern organized under the law of a country other than the United States, its territories or possessions and is not incorporated in the United States. |
| **MINORITY INSTITUTIONS** (College or University only) | Accredited colleges and universities or enrollment of a single minority group or a combination of minority groups, underrepresented in science and engineering and exceeds 51% percent of the total enrollment. |
| **LARGE BUSINESS CONCERN** | A business concern that exceeds the small business size code standards established by the SBA as set forth in the Code of Federal Regulations, Title 13, Part 121. |
| **HUBZONE SMALL BUSINESS CONCERN (HUBZ)** | A small business concern that is owned and controlled only by United States citizens with the principal office located in a HUBZone and at least 35 percent of the employees must reside in a HUBZone. All HUBZs must receive certification by the Small Business Administration. |
| **SMALL BUSINESS (SB)** | A business concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and the size standard in paragraph (a) of this provision. |
| **VETERAN-OWNED SMALL BUSINESS (VOSB)** | A small business that is at least 51 percent owned by one or more veterans and in the case of any publicly owned business, at least 51 percent of the stock is owned by one or more veterans. One or more veterans must control the management and daily business operations |
| **SBA CERTIFIED SMALL DISADVANTAGED BUSINESS CONCERN** | A business that has been certified by the U.S. Small Business Administration as eligible to participate in the 8(a) Business Development Program. |
| **SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS** | A small business that is at least 51 percent owned by one or more service-disabled veterans and in the case of any publicly owned business not less than 51 percent of the stock is owned by one or more service-disabled veterans. The management and daily business operations must be controlled by one or more service-disabled veterans or in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.  |
| **SELF-CERTIFIED SMALL DISADVANTAGED BUSINESS CONCERN** | A small business that is at least 51 percent owned by an individual who is both a United States citizen and socially and economically disadvantaged, as defined by the Small Business Administration at 13 CFR part 124, the majority of earnings which directly accrue to such individuals. Social disadvantage must include at least one objective distinguishing feature that has contributed to social disadvantage, such as race, ethnic origin, gender, physical handicap, long- term residence in an environment isolated from the mainstream of American society. Members of the following designated groups are considered socially disadvantagedEconomic disadvantage is defined as net worth below $750,000 minus equity in primary residence and the applicant’s ownership interest. The SDB concern can self-certify as a small disadvantaged business concern consistent with 13 CFR 124. (Note: 8(a) SDB companies must be certified by the Small Business Administration). |
| **GOVERNMENT AGENCY** | A permanent or semi-permanent organization in the machinery of government that is responsible for the oversight and administration of specific functions, such as an intelligence agency. A government agency may be established by either a national government or a state government within a federal system. The term is not normally used for an organization created by the powers of a local government body. Agencies can be established by legislation or by executive powers. |
| **ECONOMICALLY DISADVANTAGED WOMEN-OWNED SMALL BUSINESS** | A small business concern that is at least 51 percent directly and unconditionally owned and controlled by one or more women who are citizens (born or naturalized) of the United States and who are economically disadvantaged. A woman is presumed economically disadvantaged if she has a personal net worth of less than $750,000, her adjusted gross yearly income averaged over the three years preceding the certification does not exceed $350,000, and the fair market value of all her assets (including her primary residence and the value of the business concern) does not exceed $6 million). |
| **WOMEN-OWNED SMALL BUSINESS (WOSB**) | A small business that is at least 51 percent owned by one or more women and in the case of any publicly owned business, at least 51 percent of the stock is owned by one or more women. One or more women must control the management and daily business operations.  |
| **Business Classification** | **Definition** |
| **NON-PROFIT ORGANIZATION** | Nonprofits are also called not-for-profit corporations. Nonprofit corporations are created according to state law. Like for-profit corporations, nonprofit corporations must file a statement of corporate purpose with the Secretary of State and pay a fee, create articles of incorporation, conduct regular meetings, and fulfill other obligations to achieve and maintain corporate status. Nonprofit corporations cannot operate for profit. That is, they cannot distribute corporate income to shareholders. The funds acquired by nonprofit corporations must stay within the corporate accounts to pay for reasonable salaries, expenses, and the activities of the corporation. A vast number of organizations qualify for nonprofit status under the various definitions.  |
| **NATIVE AMERICAN** | A person who is an American Indian, Eskimo, Aleut or Native Hawaiian, and regarded as such by the community of which the person claims to be a part. Native Americans must be documented members of a North American tribe, band or otherwise organized group of native people who are indigenous to the continental United States and proof can be provided through a Native American Blood Degree Certificate (i.e., tribal registry letter, tribal roll register number). |
| **HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU)** | An institution that has been determined by the Secretary of Education to meet the requirements of FAR Subpart 26.3. The term also means any nonprofit research institution that was an integral part of such a college or university before November 14, 1986. |
| **ALASKA NATIVE CORPORATION (ANC)** | Any regional corporation, village corporation, urban corporation, or group corporation organized under state of Alaska in accordance with the Alaskan Claims Settlement Act, which is considered a minority and economically and disadvantaged concern. The definition also includes ANC direct and indirect subsidiary corporations, joint ventures and partnerships. |
| **PRIVATE COLLEGE OR UNIVERSITY THAT IS NOT A HISTORICALLY BLACK COLLEGE OR UNIVERSITY OR MINORITY INSTITUTION** | An independent school that sets its own policies and goals, and whose funding comes from tuition, investments and private donors, not from taxpayers. A private college or university does not meet the qualifications to be classified as a Historically Black College or University or Minority Institution. |
| **INDIAN TRIBE** | Any Indian tribe, band, group, pueblo, or community, including native villages and native groups (including corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in the Alaska Native Claims Settlement Act that is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs in accordance with 25 U.S.C. 1452(c). This definition also includes Indian-owned economic enterprises that meet the requirements of 25 U.S.C. 1452(e). |
| **STATE COLLEGE OR UNIVERSITY THAT IS NOT A HISTORICALLY BLACK COLLEGE OR UNIVERSITY OR MINORITY INSTITUTION** | A college or other institute of higher education such as a law school or graduate school that is supported by state funds and does not meet the qualifications to be classified as a Historically Black College or University or Minority Institution. |
| **ABILITYONE PROGRAM** (Formerly the Javits-Wagner-O’Day Program) | A federal initiative to help people who are blind (National Industries for the Blind) or severely disabled (formerly National Industries for the Severely Handicapped (NISH), as of July 2013 SourceAmerica) find employment by working for nonprofit agencies that sell products and/or services to the U.S. Government. |
| **NATIVE HAWAIIAN** | Any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii. |
| **NATIVE HAWAIIAN ORGANIZATION** | Any community service organization serving Native Hawaiians in the State of Hawaii which is a not-for-profit organization chartered by the State of Hawaii, is controlled by Native Hawaiians, and whose business activities will principally benefit such Native Hawaiians. |
| **LESBIAN, GAY, BISEXUAL, TRANSGENDER (LGBT) BUSINESS ENTERPRISE** | A business that is at least 51% owned, operated, managed and controlled by an LGBT person or persons who are either U.S. citizens or lawful permanent residents. The LGBTE must exercise independence from any non-LGBT business enterprise, have its principal place of business (headquarters) in the United States and have been formed as a legal entity in the United States. |
| **Mentor-Protégé Program** | A relationship between a mentor firm, i.e., a qualified prime contractor, and a protégé firm, i.e., a qualified small business, to participate in a Mentor-Protégé agreement for the developmental assistance or technology transfer to the small business. |
| **Small Business Innovation Research (SBIR)** | A federal set-aside program created to strengthen the role of small businesses in federally funded research and development (R&D) while providing the government with innovative technical and scientific solutions to challenging problems. |
| **Small Business Technology Transfer (STTR)** | Similar in structure to SBIR, STTR funds cooperative R&D projects with small businesses in partnership with not-for-profit research institutions (such as universities), to move research to the marketplace. |