

REPRESENTATION AND CERTIFICATION OF COMPLIANCE WITH SAFEGUARDING COVERED DEFENSE INFORMATION AND CYBER INCIDENT REPORTING

General Dynamics NASSCO-Norfolk anticipates that Seller may collect, develop, receive transmit, use or store “covered defense information” on Seller’s “covered contractor information system” as defined in Defense Federal Acquisition Regulation Supplement (DFARS) 252.204-7012 Safeguarding Covered Defense Information and Cyber Incident Reporting (OCT 2016) in support of a bid and proposal and/or execution of a Purchase Order or Subcontract with NASSCO-Norfolk.

1. Accordingly, unless Seller represents and certifies to one of the exceptions in paragraph (2), the Seller shall represent and certify by checking the appropriate blank in paragraph (2) whether or not the Seller complies with Defense Federal Acquisition Regulation Supplement (DFARS) 252.204-7012 Safeguarding Covered Defense Information and Cyber Incident Reporting (OCT 2016).
2. *Representation and certification.* The Seller shall make its representation and certification by selecting **only one** (1) of the following in a) through c) below:

- a) The Seller qualifies for the COTS exception as set forth in DFARS 204.7304, and the Seller represents and certifies that it

___Solely provides COTS items as defined in Federal Acquisition Regulation 2.101*; and therefore, the Seller qualifies for the exception to DFARS 252.204-7012 Safeguarding Covered Defense Information and Cyber Incident Reporting (OCT 2016) as prescribed in DFARS 204.7304. By making this representation and certification, the Seller agrees to only provide COTS items under any resultant award of a subcontract or purchase order; **or**

- b) The Seller has not collected, developed, received, transmitted, used or stored “covered defense information” and does not anticipate that it will collect, develop, receive, transmit, use or store “covered defense information” on Seller’s “covered contractor information system” as defined in DFARS 252.204-7012 Safeguarding Covered Defense Information and Cyber Incident Reporting (OCT 2016) in support of a bid and proposal and/or execution of a Purchase Order or Subcontract with NASSCO-Norfolk, and the Seller represents and certifies that it

___Will not collect, develop, receive, transmit, use or store “covered defense information” on Seller’s “covered contractor information system” as defined in DFARS 252.204-7012 Safeguarding Covered Defense Information and Cyber Incident Reporting (OCT 2016) in support of a bid and proposal and/or execution of a Purchase Order or Subcontract with NASSCO-Norfolk; **or**

- c) The Seller represents and certifies that it

___Complies with the requirements of DFARS 252.204-7012 Safeguarding Covered Defense Information and Cyber Incident Reporting (OCT 2016) and has implemented the security requirements in National Institute of Standards and Technology (NIST) Special Publication (SP) 800-171, “Protecting Controlled Unclassified Information in Nonfederal Information Systems and Organizations” as set forth in DFARS 252.204-7012; **or**

___ Does not comply with the requirements of DFARS 252.204-7012 Safeguarding Covered Defense Information and Cyber Incident Reporting (OCT 2016) and will not implement the security requirements in National Institute of Standards and Technology (NIST) Special Publication (SP) 800-171, “Protecting Controlled Unclassified Information in Nonfederal Information Systems and Organizations” as set forth in DFARS 252.204-7012; **or**

___ Will not comply with the requirements of DFARS 252.204-7012 Safeguarding Covered Defense Information and Cyber Incident Reporting (OCT 2016) including implementation of the security requirements in National Institute of Standards and Technology (NIST) Special Publication (SP) 800-171, “Protecting Controlled Unclassified Information in Nonfederal Information Systems and Organizations” as set forth in DFARS 252.204-7012, but shall fully comply on or before [*insert date* _____].

**“Commercially available off-the-shelf (COTS) item—”*

(1) Means any item of supply (including construction material) that is—

(i) A commercial item (as defined in paragraph (1) of the definition in this section);

(ii) Sold in substantial quantities in the commercial marketplace; and

(iii) Offered to the Government, under a contract or subcontract at any tier, without modification, in the same form in which it is sold in the commercial marketplace; and

(2) Does not include bulk cargo, as defined in [46 U.S.C. 40102\(4\)](#), such as agricultural products and petroleum products.

Company Name:

By Seller’s Authorized Representative:

Name: _____

Title: _____

Signature: _____

Date: _____