



ITAR FLOW DOWN TO SUPPLIERS



AEI, LLC and/or HM Dunn Company wishes to provide you from time to time the necessary technical data to quote work or perform work which may be export controlled by the U.S. Government. Additionally, should a Purchase Order be placed those items requiring Export Control will be accompanied by properly marked and protected technical data packages. An example of an ITAR statement, which would be found on a customer drawing, is:

EXPORT CONTROLLED: THIS TECHNICAL INFORMATION REQUIRES AN EXPORT LICENSE PRIOR TO DISSEMINATION TO FOREIGN PERSONS. IT IS CONTROLLED BY UNITED STATES INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR) (22CFR 120-130). IT IS THE RESPONSIBILITY OF EACH INDIVIDUAL IN CONTROL OF THIS DATA TO ABIDE BY ALL EXPORT LAWS.

Pursuant to those opportunities please read and certify the following export control notifications:

- 1) I (We) acknowledge that technical data to be received from Apex Engineering International, LLC or HM Dunn Company, may possibly be export controlled by the United States under the International Traffic in Arms Regulations (ITAR) within the U.S. State Department (see 22CFR121) and will be clearly marked, when applicable.
- 2) I (We) acknowledge that technical data marked with an ITAR statement require the registration of manufacturers and exporters with the U.S. Department of State, Directorate of Defense Trade Controls (DDTC) prior to any export from the United States (See 22CFR122).
- 3) I (We) acknowledge that technical data marked with the ITAR statement prior to export or temporary import, unless the export or temporary import qualifies for an exemption under the ITAR, require an export license or other approval from the DDTC prior to any export from the United States (See 22CFR123).
- 4) I (We) acknowledge that technical data marked with an ITAR statement, before exporting any hardware therein controlled, using a license or exemption, the DDTC registered applicant/exporter, or an agent acting on the filer's behalf, must electronically file the export information with U.S. Customs and Border Protection using the Automated Export System (AES) in accordance with appropriate timelines (See 22CFR123.22).
- 5) I (We) acknowledge that technical data marked with an ITAR statement exported from the United States will comply with the requirements specified under U.S. regulations and also in compliance and full knowledge of Items 1 through 4 listed above and the ITAR (See 22 CFR Parts 120-130).

I (We) certify, as an authorized representative, knowledge of the above listed items and will assume full responsibility for compliance with any United States export laws and regulations prior to any export from the United States of product(s) received from Apex Engineering International, LLC and/or HM Dunn Company.

SIGNATURE: _____ COMPANY NAME: _____

PRINT NAME: _____ CITY/STATE/COUNTRY: _____

TITLE: _____ DATE SIGNED: _____

EMAIL: _____



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Company will immediately notify AEI or HM Dunn of any changes in its status affecting this certification or affecting Company’s standing with the U.S. Government with regard to export/import compliance and/or debarment.

Definitions:

“Defense Article” means any item or Technical data relating to a military application or military related services designated in Part 121 of the ITAR. This terms includes Technical Data recorded or stored in any physical form, models, mock-ups or other items that reveal technical data directly relating to items designated in §121.1 of the ITAR, but does not include basic marketing information on function or purpose or general system descriptions. (See ITAR § 120.6)

“The Directorate of Defense Trade Controls” (DDTC) is an agency under the United States Department of State (DOS), with jurisdiction under the International Traffic in Arms Regulations (ITAR) codified at 22 CFR Parts 120 through 130.

“Dual Use” means items that have both commercial and military or proliferation application. This term is used informally to describe items that are subject to the EAR, although certain purely commercial items are also subject to the EAR. (See EAR §772.1).

“EAR” means the Export Administration Regulations promulgated and implemented by the Bureau of Industry and Security and designed to regulate the export of Dual Use items.

“ITAR” means the International Traffic in Arms Regulations, as amended, (22 Code of Federal Regulations 120-130) which are promulgated and implemented by DOS and designed to regulate items on the U.S. Munitions List, including Defense Articles and Defense Services and related Technical data.

“Technical Data” has specific meaning under different regulations and can include much more than the common definition would imply. When dealing with import/export compliance issues, Company should always refer to the specific definition in the relevant regulations. For example, the ITAR defines Technical Data to include: any (i) information, other then software as defined in §120.10(a)(4), which is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of defense articles, including information in the form of blueprints, drawings, photographs, plans, instructions or documentation: (ii) classified information relating to defense articles and defense services: (iii) information covered by an invention secrecy order: (iv) software as defined in §121.8(f) directly related to defense articles.

Apex Engineering International, LLC
1804 W 2nd Street North
Wichita, KS 67203

PH: (316) 262-1494

Apex Composites, LLC
414 Chamber Loop
Ada, OK 74820

PH: (580) 436-6444

HM Dunn Company
3301 House Anderson Rd
Eules, TX 76040

PH: (817) 283-3722

HM Dunn Company
1252 S.Vandeventer
St Louis, MO 63110

PH: (314)535-6684

HM Dunn Company
4201 South 119th St West
Wichita, KS 67215

PH: (316) 522-5426