

APPENDIX

Federal Acquisition Regulation and Defense Federal Acquisition Regulation Supplement Flowdown Provisions for Suppliers

To the extent the materials being supplied by the Seller (alternatively referred to as “Supplier” herein) are in support of contracts between C&D Technologies, Inc. (“C&D”) and the U.S. Government, the following terms apply and supersede any conflicting language in the C&D Technologies, Inc. Terms and Conditions of Purchase.

C&D Technologies, Inc. is required to include the Federal Acquisition Regulation (“FAR”) and Defense Federal Acquisition Regulation Supplement (“DFARS”) clauses listed below, as applicable, in its purchase orders for materials supplied and work performed in support of C&D’s U.S. Government contracts. The FAR and DFARS clauses referenced below are incorporated herein by reference, with the same force and effect as if they were given in full text. Supplier shall substitute “Supplier” for “Contractor” and “C&D Technologies, Inc.” for “Contracting Officer” or “Government” throughout each clause, as applicable. To the extent that a clause does not apply to a particular purchase order, as provided in the clause and the respective notes included below, it is self-deleting. The full text of a clause may be accessed electronically at: <http://farsite.hill.af.mil/vffar1.htm> or <https://www.acquisition.gov/far>. C&D reserves the right to amend this Appendix to add or remove clauses pursuant to C&D’s requirements under its U.S. Government contracts.

DPAS Requirements. The individual purchase orders issued under this Agreement will note whether the purchase order is a Rated Order certified for national defense, emergency preparedness, and/or energy program use. If the order is a Rated Order, the Supplier is required to follow all the requirements of the Defense Priorities and Allocation System regulation (15 C.F.R. Part 700). Supplier must fill Rated Order(s) by the required delivery date specified in the purchase order. See FAR 52.211-15, Defense Priority and Allocation Requirements (APR 2008).

Changes. C&D may, at any time, make changes within the general scope of purchase orders issued under this Agreement, in the event that a corresponding change is issued by C&D’s customer. See FAR 52.243-01, Changes – Fixed-Price (AUG 1987).

Stop Work. Supplier shall adhere to any stop work notices provided by C&D in the event a corresponding stop work order is issued by C&D’s customer. See FAR 52.233-3 Protest After Award (AUG 1996), see also FAR 52.242-15, Stop-Work Order (AUG 1989).

Termination for Convenience. C&D may, at any time, terminate a purchase order issued under this Agreement for its convenience, in whole or in part, if the corresponding scope of work in C&D's agreement with its customer is terminated for convenience. See FAR 52.249-1, Termination For Convenience Of The Government (Fixed-Price)(Short Form) (APR 2012).

Information Systems Security. If the individual purchase order is for operationally critical support or for which performance will involve covered defense information, Supplier is required to provide adequate security on all covered contractor information systems. To provide such security, Supplier must implement information security protections, including compliance with 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." See DFARS 252.204-7012, Safeguarding Covered Defense Information and Cyber Incident Reporting (DEC 2019).

Quality and Sourcing. Supplier is required to comply with certain quality and material restrictions, including material sourcing, to ensure C&D's compliance with its customer's requirements.

The following clauses apply to all purchase orders issued by C&D to Supplier:

52.203-17, Contractor Employee Whistleblower Rights (NOV 2023)

52.204-23, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab Covered Entities (DEC 2023)

52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (NOV 2021)

52.204-27, Prohibition on a ByteDance Covered Application (JUN 2023)

52.204-30, Federal Acquisition Supply Chain Security Act Orders—Prohibition (DEC 2023)

52.222-50, Combating Trafficking in Persons (NOV 2021)

52.225-13, Restrictions on Certain Foreign Purchases (FEB 2021)

252.203-7002, Requirement to Inform Employees of Whistleblower Rights (DEC 2022)

252.204-7014, Limitations on the Use or Disclosure of Information by Litigation Support Contractors (JAN 2023)

252.204-7018, Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services (JAN 2023)

252.204-7020, NIST SP 800-171 DoD Assessment Requirements (NOV 2023) (except for commercially available off the shelf (“COTS”) items)

252.225-7048, Export-Controlled Items (JUN 2013)

252.225-7056, Prohibition Regarding Business Operations with the Maduro Regime (JAN 2023)

252.225-7967, Prohibition Regarding Russian Fossil Fuel Business Operations (Deviation 2024-O0006) (FEB 2024)

252.227-7015, Technical Data - Commercial Products and Commercial Services (JAN 2025)

252.244-7000, Subcontracts for Commercial Products or Commercial Services (NOV 2023)

The following clauses apply in accordance with the prescribing notes if Supplier is providing components, materials or parts in connection with C&D’s 6T Battery:

52.203-6, Restrictions on Subcontractor Sales to the Government (SEP 2006) (applicable to purchase orders that exceed the simplified acquisition threshold (“SAT”) as defined in FAR 2.101).

52.203-13, Contractor Code of Business Ethics and Conduct (JUN 2020) (applicable to purchase orders that exceed the threshold at FAR 3.1004(a) and period of performance exceeds 120 days).

52.204-21, Basic Safeguarding of Covered Contractor Information Systems (NOV 2021) (applicable if the Supplier may have Federal contract information residing in or transiting through its information system).

52.219-8, Utilization of Small Business Concerns (JAN 2025) (applicable to purchase orders when further subcontracting opportunities are available).

52.222-35, Equal Opportunity for Veterans (JUN 2020) (applicable to purchase orders at or above the threshold specified at FAR 22.1303(a)).

52.222-36, Equal Opportunity for Workers with Disabilities (JUN 2020) (applicable to purchase orders at or above the threshold specified at FAR 22.1408(a)).

52.222-37, Employment Reports on Veterans (JUN 2020) (applicable to purchase orders at or above the threshold specified at FAR 22.1303(a)).

52.222-40, Notification of Employee Rights Under the National Labor Relations Act (DEC 2010) (applies to purchase orders that exceed \$10,000 and will be performed wholly or partially in the U.S.).

52.224-3, Privacy Training (JAN 2017) (applicable if the Supplier's employees will (1) have access to a system of records; (2) create, collect, use, process, store, maintain, disseminate, disclose, dispose, or otherwise handle personally identifiable information; or (3) design, develop, maintain, or operate a system of records).

52.226-8, Encouraging Contractor Policies to Ban Text Messaging While Driving (MAY 2024) (applicable to purchase orders above the micro-purchase threshold as defined at FAR 2.101).

52.227-1, Authorization and Consent (JUN 2020) (applicable to purchase orders that exceed the SAT).

52.227-2, Notice and Assistance Regarding Patent and Copyright Infringement (JUN 2020) (applicable to purchase orders that exceed the SAT).

52.232-40, Providing Accelerated Payments to Small Business Subcontractors (MAR 2023) (applicable if Supplier is a small business).

52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (NOV 2021) (applicable in accordance with paragraph (d)).

252.204-7012, Safeguarding Covered Defense Information and Cyber Incident Reporting (DEVIATION 2024-O0013) (MAY 2024) (applicable to purchase orders for operationally critical support, or for which performance will involve covered defense information).

252.225-7007, Prohibition on Acquisition of Certain Items from Communist Chinese Military Companies (DEC 2018) (applicable if the purchase order is for items covered by the United States Munitions List or the 600 series of the Commerce Control List).

252.225-7009, Restriction on Acquisition of Certain Articles Containing Specialty Metals (JAN 2023) (applicable if the purchase order is for items containing specialty metals).

252.225-7052, Restriction on the Acquisition of Certain Magnets, Tantalum, and Tungsten (MAY 2024) (applicable if the purchase order is for items containing a covered material).

252.246-7007, Contractor Counterfeit Electronic Part Detection and Avoidance System (JAN 2023) (applicable to purchase orders for electronic parts or assemblies containing electric parts)

252.246-7008, Sources of Electronic Parts (JAN 2023) (applicable to purchase orders for electronic parts or assemblies containing electronic parts, unless the Supplier is the original manufacturer).

252.247-7023, Transportation of Supplies by Sea (OCT 2024) (applicable in accordance with paragraph (j)).

The following clauses apply in accordance with the prescribing notes if Supplier is providing components, materials or parts in connection with C&D's Part Numbers 10027 or 12611:

Export Controls. Supplier is required to comply with all applicable laws and regulations regarding export-controlled items, including, but not limited to, the requirement for contractors to register with the Department of State in accordance with the ITAR. See DFARS 252.225-7048, Export Controlled Items (JUN 2013).

Federal Acquisition Regulation (FAR) Clauses

52.202-1 DEFINITIONS.

52.203-6, RESTRICTIONS ON SUBCONTRACTOR SALES TO THE GOVERNMENT (SEP 2006) (Applicable to purchase orders that exceed the simplified acquisition threshold (\$150,000)).

52.203-7, ANTI-KICKBACK PROCEDURES (MAY 2014) (Applicable to purchase orders that exceed \$150,000).

52.203-12, LIMITATION ON PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (OCT 2010) (Applicable to purchase orders that exceed \$150,000).

52.203-13, CONTRACTOR CODE OF BUSINESS ETHICS AND CONDUCT (JUN 2020) (Applicable to purchase orders that exceed \$5.5 million and period of performance exceeds 120 days. By signing a purchase order or performing against a purchase order in which FAR 52.203-13 is applicable, Supplier hereby certifies that it will comply with all elements of FAR 52.203-13 including timely disclosure, in writing, to the agency Office of the Inspector General (OIG) (with a copy to the Contracting Officer and C&D Technologies, Inc.) whenever, in connection with the award, performance, or closeout of a purchase order or any subcontract thereunder, Supplier has credible evidence that a principal, employee, agent, or subcontractor of the Supplier has committed (i) a violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code; or (ii) a violation of the civil False Claims Act (31 U.S.C. 3729-3733). Supplier also certifies that, within 30 days of signing a purchase order or performing against a purchase order in which FAR 52.203-13 is applicable, Supplier will establish a written code of business ethics and conduct and will make a copy of the code available to each employee engaged in performance of the purchase order).

52.203-15, WHISTLEBLOWER PROTECTIONS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (JUN 2010) (Applicable to purchase orders when value exceeds \$150,000 and employees will perform acquisition functions closely associated with inherently governmental functions).

52.203-16, PREVENTING PERSONAL CONFLICTS OF INTEREST (DEC 2011) (Applicable to purchase orders when value exceeds \$150,000 and subcontractor employees will perform acquisition functions closely associated with inherently governmental functions).

52.203-17, CONTRACTOR EMPLOYEE WHISTLEBLOWER RIGHTS AND REQUIREMENT TO INFORM EMPLOYEES OF WHISTLEBLOWER RIGHTS (APR 2014) (Applicable to purchase orders that exceed the simplified acquisition threshold (\$150,000)).

52.203-19, PROHIBITION ON REQUIRING CERTAIN INTERNAL CONFIDENTIALITY AGREEMENTS OR STATEMENTS (JAN 2017).

52.204-2, SECURITY REQUIREMENTS (AUG 1996) (Applicable to purchase orders that involve access to classified information).

52.204-21, BASIC SAFEGUARDING OF COVERED CONTRACTOR INFORMATION SYSTEMS (JUN 2016, NOV 2021) (Applicable to all purchase orders where Supplier will have Federal contract information, as defined by the clause, residing in or transiting through its information system, unless Supplier is furnishing commercially available off-the-shelf items).

52.204-23, PROHIBITION ON CONTRACTING FOR HARDWARE, SOFTWARE, AND SERVICES DEVELOPED OR PROVIDED BY KASPERSKY LAB AND OTHER COVERED ENTITIES. (JUL 2018, NOV 2021) (Applicable to all contracts and subcontracts. Prohibits Contractor from providing any covered article that the Government will use on or after October 1, 2018 and using any covered article on or after October 1, 2018, in the development of data or deliverables first produced in the performance of the contract).

52.204-25, PROHIBITION ON CONTRACTING FOR CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT. (AUG 2020, NOV 2021) (Applicable to all contracts and subcontracts. The Contractor is prohibited from providing to the Government any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system, unless an exception at paragraph (c) of this clause applies or the covered telecommunication equipment or services are covered by a waiver described in FAR 4.2104.).

52.204-27, PROHIBITION ON A BYTEDANCE COVERED APPLICATION. (JUN 2023). (Applicable to all subcontracts, including subcontracts for the acquisition of commercial products or commercial services).

52.204-30, FEDERAL ACQUISITION SUPPLY CHAIN SECURITY ACT ORDERS - PROHIBITION. (JUN 2023). (Applicable to all subcontracts and other contractual instruments, including subcontracts for the acquisition of commercial products and commercial services).

52.209-6, PROTECTING THE GOVERNMENT'S INTEREST WHEN SUBCONTRACTING WITH CONTRACTORS DEBARRED, SUSPENDED, OR PROPOSED FOR DEBARMENT (JUN 2020, NOV 2021) (Applicable to purchase orders that exceed \$35,000, unless purchase order is for purchase of commercially available off-the-shelf items).

52.211-15, DEFENSE PRIORITY AND ALLOCATION REQUIREMENTS (APR 2008) (Applicable to purchase orders involving a rated order certified for national defense, emergency preparedness, and energy program use).

52.219-8, UTILIZATION OF SMALL BUSINESS CONCERNS (NOV 2016) (Applicable to purchase orders when further subcontracting opportunities are available).

52.219-9, SMALL BUSINESS SUBCONTRACTING PLAN (JAN 2017) (Applicable to purchase orders that exceed \$700,000 with further subcontracting opportunities available, unless the Supplier is a small business).

52.222-4, CONTRACT WORK HOURS AND SAFETY STANDARDS-OVERTIME COMPENSATION (MAY 2014) (Applicable to purchase orders to the extent performance is in the United States that require or involve the employment of laborers and mechanics at any tier).

52.222-17, NONDISPLACEMENT OF QUALIFIED WORKERS (MAY 2014) (Applicable to purchase orders to the extent performance is in the United States, when value exceeds the simplified acquisition threshold (\$150,000) and purchase orders are service contracts, as defined by FAR 22.001, that succeed purchase orders for performance of the same or similar work at the same location. Supplier will furnish information needed by C&D Technologies, Inc. to comply with the paragraphs (d) and (e) of this clause).

52.222-21, PROHIBITION OF SEGREGATED FACILITIES (APR 2015) (Applicable to purchase orders to the extent performance is within the United States).

52.222-26, EQUAL OPPORTUNITY (SEP 2016) (Applicable to purchase orders to the extent performance is within the United States).

52.222-35, EQUAL OPPORTUNITY FOR VETERANS (JUN 2020) (Applicable to purchase orders to the extent performance is in the United States, which exceed \$150,000).

52.222-36, EQUAL OPPORTUNITY FOR WORKERS WITH DISABILITIES (JUN 2020) (Applicable to purchase orders to the extent performance is in the United States, which exceed \$15,000).

52.222-37, EMPLOYMENT REPORTS ON VETERANS (JUN 2020) (Applicable to purchase orders to the extent performance is in the United states, which exceed \$150,000).

52.222-40, NOTIFICATION OF EMPLOYEE RIGHTS UNDER THE NATIONAL LABOR RELATIONS ACT (DEC 2010) (Applicable to purchase orders that exceed \$10,000 and performance is wholly or partially in the United States).

52.222-41, SERVICE CONTRACT LABOR STANDARDS (MAY 2014) (Applicable to purchase orders subject to the Service Contract Labor Standards statute).

52.222-50, COMBATING TRAFFICKING IN PERSONS (OCT 2020), Alternate I (OCT 2020, NOV 2021) (Applicable to purchase orders for supplies, other than commercially available off-the-shelf items, acquired outside the U.S., or services to be performed outside the U.S.).

52.222-51, EXEMPTION FROM APPLICATION OF THE SERVICE CONTRACT LABOR STANDARDS TO CONTRACTS FOR MAINTENANCE, CALIBRATION, OR REPAIR OF CERTAIN EQUIPMENT--REQUIREMENTS (MAY 2014) (Applicable to purchase orders for services exempt from the Services Contract Labor Standards statute).

52.222-53, EXEMPTION FROM APPLICATION OF THE SERVICE CONTRACT LABOR STANDARDS TO CONTRACTS FOR CERTAIN SERVICES--REQUIREMENTS (MAY 2014) (Applicable to purchase orders for services exempt from the Services Contract Labor Standards statute).

52.222-54, EMPLOYMENT ELIGIBILITY VERIFICATION (OCT 2015) (Applicable to (i) purchase orders for commercial or non-commercial services (except for commercial services that are part of the purchase of COTS item(s) or items that may be COTS item(s) but with minor modifications); (ii) have a value of more than \$3,500; and (iii) performance is in the U.S.).

52.222-55, MINIMUM WAGES UNDER EXECUTIVE ORDER 13658 (DEC 2015) (Applicable to all purchase orders subject to the Service Contract Labor Standards Statute or the Wage Rate Requirements Statute, and are to be performed in whole or in part in the U.S.).

52.222-62, PAID SICK LEAVE UNDER EXECUTIVE ORDER 13706 (JAN 2017) (Applicable to all purchase orders subject to the Service Contract Labor Standards Statute or the Wage Rate Requirements Statute, and are to be performed in whole or in part in the U.S.).

52.223-18, ENCOURAGING CONTRACTOR POLICIES TO BAN TEXT MESSAGING WHILE DRIVING (JUN 2020) (Applicable to purchase orders that exceed the micro-purchase threshold (\$3,500)).

52.224-3, PRIVACY TRAINING (JAN 2017) (Applicable to purchase orders that require the design, development, or operation of any system of records on individuals that is subject to the Privacy Act).

52.225-2, BUY AMERICAN ACT CERTIFICATE (MAY 2014) (Only paragraphs (a) and (b) of this clause apply).

52.225-6, TRADE AGREEMENTS CERTIFICATE (MAY 2014) (Only paragraphs (a) and (b) of this clause apply).

52.225-8, DUTY-FREE ENTRY (OCT 2010) (Applicable to purchase orders for supplies identified as duty-free or other foreign supplies exceeding \$15,000 that will be imported into the customs territory of the U.S.).

52.225-13, RESTRICTIONS ON CERTAIN FOREIGN PURCHASES (JUN 2008).

52.227-1, AUTHORIZATION AND CONSENT (DEC 2007) (Applicable to purchase orders that exceed the simplified acquisition threshold (\$150,000)).

52.227-2, NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT (DEC 2007) (When purchase orders exceed the simplified acquisition threshold (\$150,000), Supplier must report to C&D Technologies, Inc. each notice or claim of patent infringement based on the performance of this purchase order of which the Supplier has knowledge).

52.227-11, PATENT RIGHTS-OWNERSHIP BY THE CONTRACTOR (MAY 2014) (Applicable whenever any inventions are conceived or reduced to practice for commercial items developed in part at Government expense).

52.227-13, PATENT RIGHTS—OWNERSHIP BY THE GOVERNMENT (DEC 2007) (Applicable whenever any inventions are conceived or reduced to practice for commercial items developed in part at Government expense and where the Supplier is not located in the United States, does not have a place of business located in the United States, or is the subject to the control of a foreign government).

52.227-14, RIGHTS IN DATA – GENERAL (MAY 2014) (Applicable when technical data for commercial items developed in part at Government expense will be provided for delivery to the Government).

52.232-40, PROVIDING ACCELERATED PAYMENTS TO SMALL BUSINESS SUBCONTRACTORS (DEC 2013, MAR 2023) (Applicable to purchase orders where Supplier is a small business and C&D Technologies, Inc. receives accelerated payments from its customer).

52.233-3, PROTEST AFTER AWARD (AUG 1996) (If C&D Technologies, Inc.'s customer has directed C&D Technologies, Inc. to stop performance under FAR Subpart 33.1, C&D Technologies, Inc. may direct Supplier in writing to stop performance for all or part of this purchase order).

52.234-1, INDUSTRIAL RESOURCES DEVELOPED UNDER TITLE III, DEFENSE PRODUCTION ACT (SEP 2016) (Applicable to purchase orders in support of contracts for major systems and items of supply where the prime contractor has received assistance for the development or manufacture of an industrial resource under Title III of the Defense Production Act).

52.234-4, EARNED VALUE MANAGEMENT SYSTEM (NOV 2016) (Applicable when C&D Technologies, Inc.'s customer requires subcontractor compliance).

52.242-13, BANKRUPTCY (JUL 1995) (Supplier shall notify C&D Technologies, Inc. in the event the Supplier enters into proceedings related to bankruptcy).

52.242-15, STOP-WORK ORDER (AUG 1989) (If C&D Technologies, Inc.'s customer has directed C&D Technologies, Inc. to stop performance, C&D Technologies, Inc. may direct Supplier in writing to stop performance for all or part of this purchase order).

52.243-1, CHANGES – FIXED-PRICE (AUG 1987) (If C&D Technologies, Inc.'s customer has directed changes under the higher-tier contract with C&D Technologies, Inc. under FAR Part 43, C&D Technologies, Inc. may direct changes within the general scope of this purchase order to Supplier in writing (e.g., drawings, designs, specifications, method of shipment or packing, or place of delivery)).

52.244-6, SUBCONTRACTS FOR COMMERCIAL ITEMS (NOV 2020, SEPT 2023, DEC 2023).

52.245-1, GOVERNMENT PROPERTY (JAN 2017) (Applicable if Government property is furnished or acquired in performance of this purchase order).

52.246-11, HIGHER-LEVEL CONTRACT QUALITY REQUIREMENT. (DEC 2014) (The contracting officer shall insert the clause at 52.246-11, Higher-Level Contract Quality Requirement, in solicitations and contracts when the inclusion of a higher-level contract quality requirement is necessary).

52.247-63, PREFERENCE FOR U.S.-FLAG AIR CARRIERS (JUN 2003) (Applicable to purchase order involving international air transportation).

52.247-64, PREFERENCE FOR PRIVATELY-OWNED U.S. FLAG COMMERCIAL VESSELS (FEB 2006) (Applicable when purchase order is for ocean transportation services or a construction contract, or supplies being transported are items C&D Technologies, Inc. is reselling or distributing to the Government or higher-tier contractor without adding value, or supplies are being shipped in direct support of U.S. military contingency operations, exercises, or forces deployed in connection with United Nations or North Atlantic Treaty Organization humanitarian or peacekeeping operations).

52.248-1, VALUE ENGINEERING (OCT 2010) (Applicable to purchase orders of \$150,000 or more).

52.249-1, TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (FIXED-PRICE)(SHORT FORM) (APR 1984) (If C&D Technologies, Inc.'s customer has terminated the higher-tier contract with C&D Technologies, Inc. for convenience under FAR Part 49, C&D Technologies, Inc. may direct Supplier in writing to stop performance for all or part of this purchase order and terminate the purchase order).

Defense Federal Acquisition Regulation Supplement (DFARS) Clauses

252.203-7002, REQUIREMENT TO INFORM EMPLOYEES OF WHISTLEBLOWER RIGHTS (SEP 2013, DEC 2022).

252.204-7000, DISCLOSURE OF INFORMATION (OCT 2016) (Suppliers shall submit requests for authorization to release unclassified information through C&D Technologies, Inc.).

252.204-7004, ANTITERRORISM AWARENESS TRAINING FOR CONTRACTORS (FEB 2019, JAN 2023) (Applicable in subcontracts, including subcontracts for commercial products and commercial services, when subcontractor performance requires routine physical access to a Federally-controlled facility or military installation).

252.204-7009, LIMITATIONS ON THE USE OR DISCLOSURE OF THIRD-PARTY CONTRACTOR REPORTED CYBER INCIDENT INFORMATION (OCT 2016, JAN 2023) (Applicable to purchase orders for services that include support for the Government's activities related to safeguarding covered defense information and cyber incident reporting, including purchase orders for commercial items).

252.204-7012, SAFEGUARDING COVERED DEFENSE INFORMATION AND CYBER INCIDENT REPORTING (DEC 2019) (Applicable to purchase orders for operationally critical support or for which performance will involve covered defense information, as defined in this clause. Supplier shall notify C&D Technologies, Inc. when submitting a request to vary from a NIST SP 800-171 security requirement to the Government's Contracting Officer, in accordance with paragraph (b)(2)(ii)(B) of this clause; and provide to the C&D Technologies, Inc. the incident report number, automatically assigned by DoD as soon as practicable, when reporting a cyber incident to DoD as required in paragraph (c) of the clause).

252.204-7014, LIMITATIONS ON THE USE OR DISCLOSURE OF INFORMATION BY LITIGATION SUPPORT CONTRACTORS (JAN 2023). (Applicable in all subcontracts, including subcontracts for commercial products or commercial services).

252.204-7015, NOTICE OF AUTHORIZED DISCLOSURE OF INFORMATION FOR LITIGATION SUPPORT (MAY 2016, JAN 2023).

252.204-7018, PROHIBITION ON THE ACQUISITION OF COVERED DEFENSE TELECOMMUNICATIONS EQUIPMENT OR SERVICES. (JAN 2021, JAN 2023) (Applicable in all solicitations and resultant awards, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, and solicitations and awards for task and delivery orders, BOAs, orders against BOAs, BPAs, and calls against BPAs).

252.204-7020, NIST SP 800-171 DOD ASSESSMENT REQUIREMENTS (NOV 2020, JAN 2023) (Applicable in all solicitations and contracts, task orders, or delivery orders, including those using FAR part 12 procedures for the acquisition of commercial items, except for those that are solely for the acquisition of COTS items).

252.211-7000, ACQUISITION STREAMLINING (OCT 2010) (Applicable to purchase orders that exceed \$1.5 million).

252.211-7003, ITEM UNIQUE IDENTIFICATION AND VALUATION (MAR 2016, JAN 2023) (Applicable to purchase orders for any item for which item unique identification is required in accordance with paragraph (c)(1) of the clause).

252.219-7004, SMALL BUSINESS SUBCONTRACTING PLAN (Test Program) (OCT 2014) (Applicable to purchase orders that exceed \$650,000 when Supplier is a participant in the DoD Test Program described in DFARS 219.702).

252.223-7001, HAZARD WARNING LABELS (DEC 1991) (Applicable if purchase order requires the delivery of hazardous materials).

252.223-7008, PROHIBITION OF HEXAVALENT CHROMIUM (JUN 2013) (Applicable to all purchase orders for supplies, maintenance and repair services or construction materials).

252.223-7009, PROHIBITION OF PROCUREMENT OF FLUORINATED AQUEOUS FILM-FORMING FOAM FIRE-FIGHTING AGENT FOR USE OF MILITARY INSTALLATIONS. (OCT 2023) (Applicable in all subcontracts relating to fire-fighting on a military installation).

252.225-7000, BUY AMERICAN – BALANCE OF PAYMENTS PROGRAM CERTIFICATE (NOV 2014) (Only paragraphs (a) and (c) of this clause apply).

252.225-7007, PROHIBITION ON ACQUISITION OF CERTAIN ITEMS FROM COMMUNIST CHINESE MILITARY COMPANIES (DEC 2018) (Applicable in solicitations and contracts involving the delivery of items covered by the United States Munitions List or the 600 series of the Commerce Control List.).

252.225-7009, RESTRICTION ON ACQUISITION OF CERTAIN ARTICLES CONTAINING SPECIALTY METALS (OCT 2014) (Applicable to purchase order if it calls for the supply of an item, component or raw material containing a “specialty metal” as defined under the clause to ensure compliance of the end products that C&D Technologies, Inc. will deliver to the Government. If this clause applies to the purchase order, Paragraph (d) and (e)(1) of this clause are excluded from this purchase order. NOTE: There are several exceptions contained within this clause that may apply).

252.225-7020, TRADE AGREEMENTS CERTIFICATE – BASIC (NOV 2014) (Only paragraphs (a) and (c) of this clause apply).

252.225-7048, EXPORT CONTROLLED ITEMS (JUN 2013).

252.225-7052, RESTRICTION ON THE ACQUISITION OF CERTAIN MAGNETS, TANTALUM, AND TUNGSTEN. (OCT 2020, JAN 2023). (Applicable in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that exceed the simplified acquisition threshold.)

252.225-7054, PROHIBITION ON USE OF CERTAIN ENERGY SOURCED FORM INSIDE THE RUSSIAN FEDERATION. (JAN 2023). (Applicable in subcontracts and other commercial instruments that are for furnished engines at a covered military installation).

252.225-7056, PROHIBITION REGARDING BUSINESS OPERATIONS WITH THE MADURO REGIME. (JAN 2023). (Applicable in all subcontracts, including subcontracts for the acquisition of commercial products).

252.225-7057, POSTAWARD DISCLOSURE OF EMPLOYMENT OF INDIVIDUALS WHO WORK IN THE PEOPLE'S REPUBLIC OF CHINA. (JAN 2023). (Applicable in subcontracts that meet the definition of a covered contract).

252.225-7058, POSTAWARD DISCLOSURE OF EMPLOYMENT OF INDIVIDUALS WHO WORK IN THE PEOPLE'S REPUBLIC OF CHINA. (JAN 2023). (Applicable in subcontracts that meet the definition of a covered contract).

252.225-7062, RESTRICTION ON ACQUISITION OF LARGE MEDIUM-SPEED DIESEL ENGINES. (JUL 2023). (Applicable in subcontracts that exceed the simplified acquisition threshold that require large medium-speed diesel engines for new construction of auxiliary ships).

252.226-7001, UTILIZATION OF INDIAN ORGANIZATIONS, INDIAN-OWNED ECONOMIC ENTERPRISES, AND NATIVE HAWAIIAN SMALL BUSINESS CONCERNS (SEP 2004) (Applicable to purchase orders exceeding \$500,000).

252.227-7013, RIGHTS IN TECHNICAL DATA–NONCOMMERCIAL ITEMS (FEB 2014) (Applicable where technical data for commercial items developed in any part at Government expense, is to be obtained from a subcontractor or supplier for delivery to the Government under this contract).

252.227-7015, TECHNICAL DATA–COMMERCIAL ITEMS (FEB 2014) (Applicable where technical data for commercial items developed in any part at private expense will be provided for delivery to the Government).

252.227-7016, RIGHTS IN BID OR PROPOSAL INFORMATION (JAN 2011) (Applicable to purchase orders that will include 252.227-7013, 252.227-7014, and 252.227-7015).

252.227-7037, VALIDATION OF RESTRICTIVE MARKINGS ON TECHNICAL DATA (SEP 2016) (Applicable where purchase orders include furnishing technical data).

252.229-7014, TAXES—FOREIGN CONTRACTS IN AFGHANISTAN (DEC 2015) (Applicable to purchase orders covered by the Security and Defense Cooperation Agreement).

252.229-7015, TAXES—FOREIGN CONTRACTS IN AFGHANISTAN (NORTH ATLANTIC TREATY ORGANIZATION STATUS OF FORCES AGREEMENT) (DEC 2015) (Applicable to purchase orders covered by the Status of Forces Agreement).

252.244-7000, SUBCONTRACTS FOR COMMERCIAL ITEMS (OCT 2020, NOV 2023, JAN 2023).

252.246-7003, NOTIFICATION OF POTENTIAL SAFETY ISSUES (JUN 2013, JAN 2023) (Applicable to purchase orders for (i) parts defined as critical safety items in accordance with this clause, (ii) systems and subsystems, assemblies, and subassemblies integral to a system, and (iii) repair maintenance, logistics support or overhaul services for systems and subsystems, assemblies, subassemblies, and parts integral to a system).

252.246-7007, CONTRACTOR COUNTERFEIT ELECTRONIC PART DETECTION AND AVOIDANCE SYSTEM (AUG 2016) (Applicable to purchase orders when goods or services include electronic parts or assemblies containing electronic parts).

252.246-7008, SOURCES OF ELECTRONIC PARTS (MAY 2018) (Applicable to purchase orders for electronic parts or assemblies containing electronic parts, unless Supplier is original manufacturer).

252.247-7023, TRANSPORTATION OF SUPPLIES BY SEA (FEB 2019, JAN 2023) (Applicable to purchase orders for commercial items that where C&D Technologies, Inc. is reselling or distributing to the Government without adding value, where items are shipped in direct support of U.S. military contingency operations, exercises, or forces deployed in humanitarian or peacekeeping operations, or items are commissary or exchange cargoes transported outside the Defense Transportation System).

252.247-7024, NOTIFICATION OF TRANSPORTATION OF SUPPLIES BY SEA (MAR 2000) (Applicable to purchase orders for commercial items where C&D Technologies, Inc. is reselling or distributing to the Government without adding value, where items are shipped in direct support of U.S. military contingency operations, exercises, or forces deployed in humanitarian or peacekeeping operations, or items are commissary or exchange cargoes transported outside the Defense Transportation System).

252.249-7002, NOTICE OF ANTICIPATED CONTRACT TERMINATION OR REDUCTION (OCT 2015) (If C&D Technologies, Inc.'s customer has provided notice to C&D Technologies, Inc. that contract funding will be terminated or substantially reduced, C&D Technologies, Inc. will notify Suppliers with purchase orders exceeding \$700,000 and require these Suppliers to provide notice to its subcontractors with agreements or contracts exceeding \$150,000).