

SUPPLEMENTAL PROVISIONS UNDER FIXED PRICE U.S. GOVERNMENT CONTRACTS FOR COMMERCIAL ITEMS

The following 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, and are applicable, including any notes following the clause citation, to this Agreement or Purchase Order.

If the date or substance of any of the clauses listed below is different from the date or substance of the clause incorporated in the latest prime contract under which this Agreement or Purchase Order is issued, the date or substance of the clause incorporated by said prime contract applies instead.

In all such clauses, unless otherwise specified, “Contractor” means Supplier, “Contracting Officer” means SeaCube, “Government” includes SeaCube to the extent necessary to enable SeaCube to administer this contract or purchase order and to perform its obligations under its Prime Contract, and “subcontract(s)” and “subcontractor(s)” means Supplier’s lower-tier subcontract(s) and subcontractor(s), respectively. Supplier must include in each lower-tier subcontract and purchase orders the appropriate flow down clauses as required by the FAR and DFARS clauses included in this Agreement or Purchase Order.

For acquisitions of Commercial Items as defined in 2.101, and where the Contract or Purchase Order is in the furtherance of a Department of Defense program subject to the DFARS, the following DFARS apply in addition to the FARs listed below.

| Defense Federal Acquisition Regulations for Commercial items | | |
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| Title | Reference | Applicability |
| Requirement to Inform Employees of Whistleblower Rights | 252.203-7002 | All subcontracts, including subcontracts for the acquisition of commercial items |
| Disclosure Of Information (October 2016) | 252.204-7000 | All subcontracts, including subcontracts for the acquisition of commercial items |
| Antiterrorism Awareness Training for Contractors (January 2023) | 252.204-7004 | All subcontracts, including subcontracts for the acquisition of commercial items, when subcontractor performance requires routine physical access to a Federally controlled facility or military installation. |
| Limitations on the Use or Disclosure of Third-Party Contractor Reported Cyber Incident Information (January 2023) | 252.204-7009 | subcontracts, or similar contractual instruments, for services that include support for the Government’s activities related to safeguarding covered defense information and cyber incident reporting, including subcontracts for commercial items, without alteration, except to identify the parties. |
| Safeguarding Covered Defense Information and Cyber Incident Reporting (January 2023) | 252.204-7012 | All subcontracts, including subcontracts for the acquisition of commercial items, except for subcontracts solely for the acquisition of COTS items. |
| Notice of Authorized Disclosure of Information for Litigation Support (January 2023) | 252.204-7015 | All subcontracts, including subcontracts for the acquisition of commercial items. |

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| Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services (January 2023) | 252.204-7018 | 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. |
| Prohibition Regarding Business Operations with the Maduro Regime (January 2023) | 252.225-7056 | All subcontracts, including subcontracts for the acquisition of commercial products and services. |
| Prohibition on Certain Procurements from the Xinjiang Uyghur Autonomous Region (June 2023) | 252.225-7060 | All subcontracts, including subcontracts for the acquisition of commercial products and services |
| Prohibition Regarding Russian Fossil Fuel Business Operations (DEVIATION 2024-O0006) (February 2024) | 252.225-7967 (Dev) | All subcontracts and other contractual instruments, including those for the acquisition of commercial products and services. |
| Additional Access to Contractor and Subcontractor Records (December 2023) | 252.225-7975 (Dev) | All subcontracts, including subcontracts for commercial items, that have an estimated value over \$50,000 and will be performed outside the United States and its outlying areas. |
| Contractor Personnel Performing in Japan. (DEVIATION 2018-O0019) (August 2018) | 252.225-7976 (Dev) | All subcontracts that will require subcontractor personnel to perform in Japan |
| Additional Access to Contractor and Subcontractor Records in DEC 2017 the United States Central Command Theater of Operations (DEVIATION 2018-O0008) | 252.225-7979 (Dev) | All subcontracts, including subcontracts for commercial items, that have an estimated value over \$50,000 and will be performed in the United States central Command Theater of Operations |
| Contractor Personnel Performing in the United States Africa Command Area of Responsibility. (DEVIATION 2016- O0008) | 252.225-7980 (Dev) | All subcontracts that will require subcontractor personnel to perform in the USAFRICOM area of responsibility. |
| Requirements for Contractor Personnel Performing in the U.S. Southern Command Area of Responsibility (DEVIATION 2021-O0004) | 252.225-7987 (Dev) | All subcontracts, including subcontracts for the acquisition of commercial products and services. |
| Prohibition on Providing Funds to the Enemy (Deviation 2024-O0003) | 252.225-7993 (Dev) | Subcontracts, including subcontracts for commercial products and services exceeding \$50,000 in value that will be performed outside the United States. |

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| Contractor Personnel Performing in the United States Central SEP 2017 Command Area of Responsibility (Deviation 2017-O0004) | 252.225-7995 (Dev) | All subcontracts that will require subcontractor personnel to perform in USCENTCOM area of responsibility. |
| Utilization of Indian Organizations, Indian-Owned Economic JAN 2023 Enterprises, and Native Hawaiian Small Business Concerns | 252.226-7001 | Subcontracts, including subcontracts for the acquisition of commercial items that are for supplies or services exceeding \$500,000 in value |
| Prohibition on Interrogation of Detainees by Contractor Personnel | 252.237-7010 | All subcontracts, including subcontracts for the acquisition of commercial items that may require subcontractor personnel to interact with detainees in the course of their duties. |
| Subcontracts for Commercial Products or Commercial Services | 252.244-7000 | All subcontracts, including subcontracts for the acquisition of commercial products and services. |

For acquisitions of Commercial Items as defined in 2.101, the following FAR and clauses apply in accordance with FAR 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Order – Commercial Items (e)(1) and 52.244-6 Subcontracts for Commercial Items, the following clauses apply:

| Federal Acquisition Regulations for Commercial items | | |
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| Title | Reference | Applicability |
| Limitation On Payments To Influence Certain Federal Transactions | 52.203-12 | All subcontracts that exceed the threshold specified in Federal Acquisition Regulation 3.808 on the date of subcontract award. |
| Contractor Code of Business Ethics and Conduct (NOV 2021) | 52.203-13 | Subcontracts, including subcontracts for the acquisition of commercial items where the value is expected to exceed \$5,500,000 and the period of performance is more than 120 days. |
| Contractor Employee Whistleblower Rights (NOV 2023) | 52.203-17 | All subcontracts, including subcontracts for the acquisition of commercial items |
| Restrictions on Subcontractor Sales to the Government (JUN 2020), with Alternate I | 52.203-6 | Subcontracts for the acquisition of commercial items exceeding the simplified acquisition threshold. |
| Basic Safeguarding of Covered Contractor Information Systems | 52.204-21 | All subcontracts at any tier (including subcontracts for the acquisition of commercial items, other than commercially available off-the-shelf items), in which the subcontractor may have Federal contract information residing in or transiting through its information system. |

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| Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab Covered Entities (DEC 2023) | 52.204-23 | All subcontracts, including subcontracts for the acquisition of commercial items. |
| Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. (NOV 2021) | 52.204-25 | All subcontracts, including subcontracts for the acquisition of commercial items., excluding paragraph (b)(2) |
| Prohibition on a ByteDance Covered Application (June 2023) | 52.204-27 | All subcontracts, including subcontracts for the acquisition of commercial items. |
| Federal Acquisition Supply Chain Security Act Orders--Prohibition. (DEC 2023) | 52.204-30 | All subcontracts, including subcontracts for the acquisition of commercial items., excluding paragraph (c)(1) |
| Personal Identity Verification of Contractor Personnel | 52.204-9 | All subcontracts when the subcontractor's employees are required to have routine physical access to a Federally controlled facility and/or routine access to a Federally-controlled information system. |
| Equal Opportunity for Veterans (JUN 2020) | 52.222-35 | subcontracts valued at or above \$150,000.00 on the date of subcontract award, unless exempted by rules, regulations, or orders of the Secretary of Labor |
| Equal Opportunity for Workers with Disabilities (JUN 2020) (ALT I) (July 2014) | 52.222-36 | every subcontract or purchase order in excess of \$15,000.00 on the date of subcontract award, unless exempted by rules, regulations, or orders of the Secretary |
| Employment Reports on Veterans (JUN 2020) | 52.222-37 | subcontracts valued at or above \$150,000.00 on the date of subcontract award, unless exempted by rules, regulations, or orders of the Secretary of Labor |
| Notification of Employee Rights Under the National Labor Relations Act (DEC 2010) | 52.222-40 | every subcontract that exceeds \$10,000 and will be performed wholly or partially in the United States, unless exempted by the rules, regulations, or orders of the Secretary of Labor |
| Service Contract Labor Standards (AUG 2018) | 52.222-41 | all subcontracts subject to the Service Contract Labor Standards statute |
| Combating Trafficking in Persons (NOV 2021) | 52.222-50 | all subcontracts and in all contracts with agents |

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| Employment Eligibility Verification (MAY 2022) | 52.222-54 | Subcontracts, including subcontracts for the acquisition of commercial items that exceed the simplified acquisition threshold This clause, including this paragraph (e) (appropriately modified for identification of the parties), in each subcontract/purchase order that— (1) Is for— (i) Commercial or noncommercial services (except for commercial services that are part of the purchase of a COTS item (or an item that would be a COTS item, but for minor modifications), performed by the COTS provider, and are normally provided for that COTS item); or (ii) Construction; (2) Has a value of more than \$3,500; and (3) Includes work performed in the United States |
| Minimum Wages for Contractor Workers Under Executive Order 14026 (JAN 2022) | 52.222-55 | Subcontracts, including subcontracts for the acquisition of commercial items regardless of dollar value, that are subject to the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute, and are to be performed in whole or in part in the United States. |
| Paid Sick Leave Under Executive Order 13706 (JAN 2022) | 52.222-62 | Subcontracts, including subcontracts for the acquisition of commercial items that include the clause at 52.222-6, Construction Wage Rate Requirements, or 52.222-41, Service Contract Labor Standards, where work is to be performed, in whole or in part, in the United States, flow down is required in accordance with paragraph (m) of the clause |
| Privacy Training (JAN 2017) | 52.224-3 | Subcontracts, including subcontracts for the acquisition of commercial items in accordance with 52.224-3(f) when contractor 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) (3) design, develop, maintain, or operate a system of records. |
| Providing Accelerated Payments to Small Business Subcontractors (March 2023) | 52.232-40 | Subcontracts, including subcontracts for the acquisition of commercial items with small business concerns where SeaCube's prime contract provides for accelerated payments. |
| Prohibition on Unmanned Aircraft Systems Manufactured or Assembled by American Security Drone Act-Covered Foreign Entities (NOV 2024) | 52.232-40 | Subcontracts, including subcontracts for the acquisition of commercial products or commercial services. |