

*Global view of Earth at night
Image Credit: NASA/NOAA*

Bloomenergy®

Global Code of Business Conduct and Ethics

Adopted on November 10, 2016 | Revised on December 1, 2021

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“a fundamental enduring aspect of the Bloom culture – treating others the way we want to be treated with honesty, trust and respect.”

Letter from the Chairman and CEO

When I started Bloom Energy, it was because I wanted to make a difference in the world. I had spent my early years working on technology designed for beyond the earth’s atmosphere, so with Bloom, I wanted to focus on improving life here on earth. I noticed that a large number of people on earth lived without electricity and I felt if it was available to them, they could live a more fulfilling life. I also was very concerned about preserving our environment for future generations. So, I started Bloom to find a solution through technology that could make clean, reliable, affordable energy available to everyone in the world. This has been and remains Bloom’s mission.

Bloom’s employees, officers and directors join Bloom because they passionately believe in the mission. Working at Bloom is not just a job, but it is also the opportunity to make a difference - to enrich lives with reliable, affordable electricity and preserve the environment for current and future generations by producing that electricity with clean energy. Our mission itself speaks to the high values and standards we set for our own behavior. For every Bloom employee, the journey is as much about significance as it is about success. We recognize that our ability to achieve either will be greatly influenced by how we conduct ourselves. How we do things must be as important as what we do. This means not just following the law and Bloom policies, but exemplifying the highest ethical standards in all of our daily actions. We are missionaries, not mercenaries.

At Bloom, we exemplify on a daily basis our ultimate goal of enriching lives, by treating each other, our customers, our partners and other stakeholders the way we want to be treated -with honesty, trust and respect. This is a fundamental, enduring aspect of the Bloom culture and integral to making the Bloom mission significant and successful around the world.

The Global Code of Business Conduct and Ethics reflects Bloom’s commitment to the foundation required to deliver on our mission; that is, to comply with the law, treat others with honesty, trust and respect, and at all times, maintain the highest ethical and professional standards. Every employee globally is expected to read the Code, understand what it means and what is expected of you and to follow the Code in everything you do. The Code defines standards and references policies and resources throughout to help you make the right decisions for yourself and Bloom. Although the Code makes it easy for you to understand your obligations, it cannot anticipate every ethical dilemma you may face. You should use the Code in conjunction with Bloom policies and the law to guide your conduct and ask questions if you are still unsure how to handle a particular situation.

If you have reason to believe that a legal or ethical violation has occurred, it is your duty to report it. The Code tells you where you can find help and advice and to whom you can raise a compliance concern. Bloom will not tolerate retaliation

against any employee who in good faith seeks guidance or reports a possible violation of the Code.

Thank you for your commitment to practicing the high standards set forth in the Code and your continuing dedication and hard work for the Bloom mission.

KR Sridhar
Founder, President and Chief Executive

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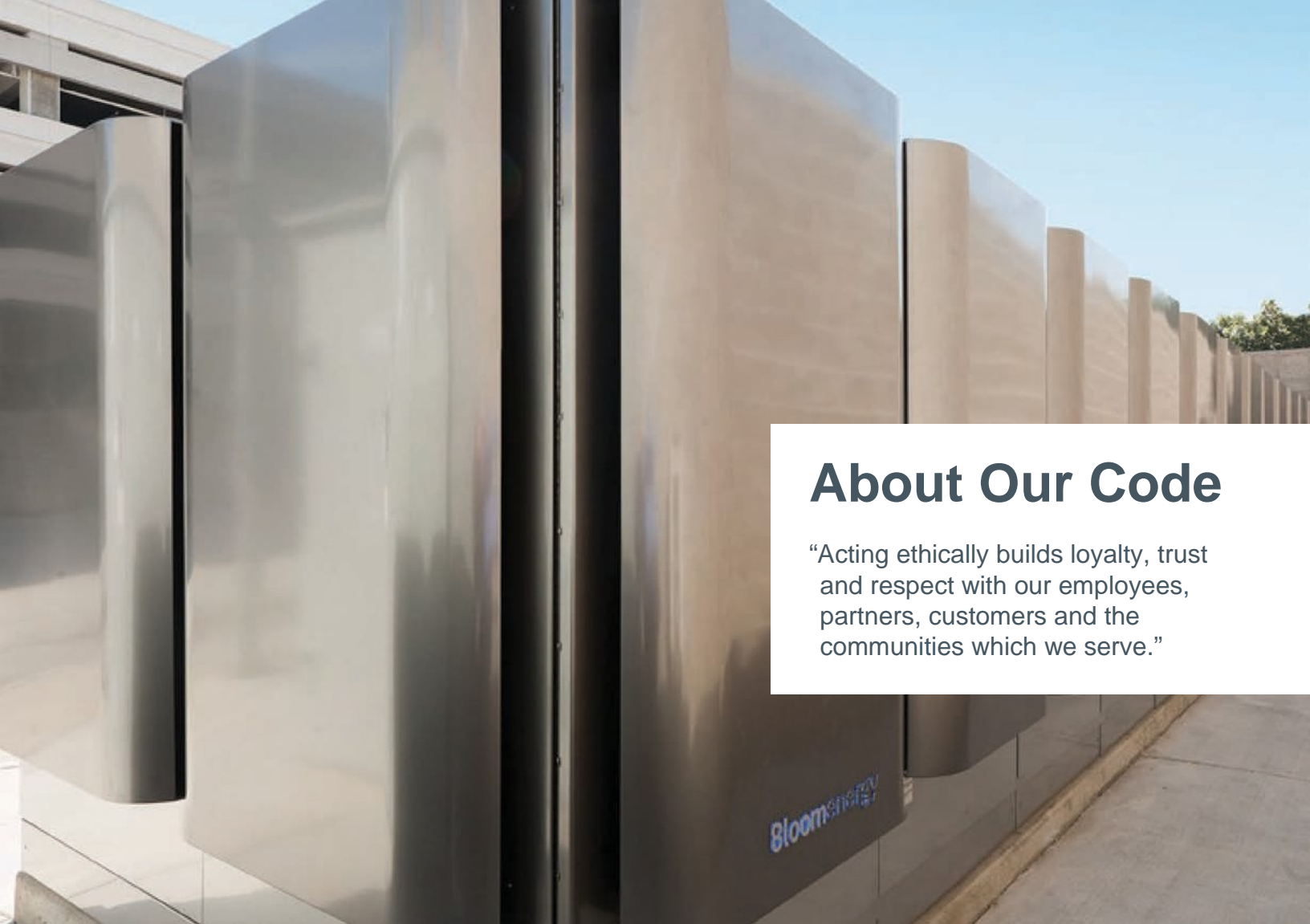
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About Our Code

“Acting ethically builds loyalty, trust and respect with our employees, partners, customers and the communities which we serve.”

12.1 SCOPE OF OUR CODE

Our Global Code of Business Conduct and Ethics applies to Bloom Energy Corporation and its subsidiaries and all of their employees, corporate officers and directors as well as contractors assigned to work at Bloom Energy. Throughout our Code, when we use the term “employee,” we are referring to employees, officers, directors and contractors (whether independent or contracted through an agency) of Bloom Energy and its subsidiaries.

12.2 OUR CODE HELPS US PUT BLOOM’S ETHICAL PRINCIPLES INTO PRACTICE

Our Code highlights the principles that guide our business conduct. It provides questions and answers for common situations and provides resources for help or information. However, our Code cannot address every possible workplace situation or list all of our corporate policies and procedures. Nothing in this code is intended to alter the existing legal rights and obligations of Bloom Energy or any of its employees, including “at will” employment arrangements or other arrangements or agreements that Bloom Energy may have with its employees.

USING OUR CODE 1.3

- ✓ Read through the entire Code.
- ✓ Think about how our Code applies to your job, and consider how you might handle situations to avoid improper, illegal or unethical actions.
- ✓ Use the questions and answers to help clarify situations that you may encounter.
- ✓ If you have questions, ask your manager, or contact one of the resources referenced throughout our Code and in Sections 1.10 and 12.

When we follow our Code, we support the principles that have guided Bloom Energy since its formation. Our success depends upon the ethical decisions and actions of our people throughout the world. Acting ethically builds loyalty, trust and respect with our employees, partners, customers and the communities which we serve.

Violations of our Code, or the policies referred to in our Code, may result in discipline, including termination of employment or criminal prosecution or both.

1.5 OUR CODE IS GLOBAL

We always follow our Code and obey the law at all times wherever we live or work. Each of the countries where Bloom Energy and its subsidiaries do business has its own laws, regulations and customs. Sometimes there can be significant differences between one country and another and even among regions within one country. However, no matter where we work, we are responsible for compliance with the local laws that apply to our work. If you face a situation where local law conflicts with our Code or U.S. law, contact the Legal Department for guidance.



ETHICAL DECISION-MAKING

1.4

Some decisions are obvious and easy to make. Other decisions are more difficult. When faced with a difficult situation, ask yourself the following questions:

1

Is it legal?

Yes: Proceed

No: Do Not Proceed

If you think an action may be illegal, do not do it. If you are unsure which laws apply to a given situation, talk with your manager or the Human Resources or Legal departments.

2

Does it follow our policy?

Yes: Proceed

No: Do Not Proceed

If you think an action may not comply with Bloom policy, including our Code, you should not do it.

3

If it were public, would you be comfortable?

Yes: Proceed

No: Do Not Proceed

Ask yourself if you would make the same decision if you knew that your decision would be reported on the front page of tomorrow's newspaper.

Your answer must be **“yes”** for all questions.



“Managers are leaders and serve as role models for employees.”

1.6 BOARD OF DIRECTORS AND SENIOR MANAGEMENT OVERSIGHT

The Audit Committee of Bloom Energy Corporation’s Board of Directors, supported by the Executive Vice President and General Counsel, governs our Company-wide compliance program. You will find contact information for the Audit Committee in Section 12 of our Code.

The Executive Vice President and General Counsel of Bloom Energy is responsible for:

- ✓ The administration and oversight of our Code;
- ✓ Providing employees with advice concerning our Code, Bloom policies and the law;
- ✓ Oversight for compliance with applicable laws, this Code and Bloom policies;
- ✓ Fielding questions or concerns regarding our Code or potential violations of our Code;
- ✓ Investigating possible violations of this Code;
- ✓ Training new employees on Code policies;
- ✓ Conducting training sessions to refresh employees’ familiarity with this Code; and
- ✓ Otherwise promoting an atmosphere of legal, responsible and ethical conduct.

1.7 SPECIAL RESPONSIBILITIES OF MANAGERS

Managers are leaders and serve as role models for employees. Your actions are seen and emulated by employees. The tone you set in everyday actions is the single most important factor in fostering an ethical culture where employees act in compliance with the principles set forth in this Code.

In accepting leadership roles, managers are responsible for:

1. Making sure that those who report to you read and understand our Code;
2. Consistently enforcing our Code and Bloom policies and procedures through consistent communication;
3. Fostering a positive work environment in which only behaviors that are legal and comply with Bloom policies are acceptable;
4. Modeling appropriate behaviors that are consistent with the Bloom Energy Code;
5. Regularly communicating the importance of ethically sound business practices and discussing the ethical and legal implications of business decisions;
6. Creating an “open-door” environment in which honest communication is encouraged and employees feel that they can ask questions or raise concerns without fear of retaliation;
7. Responding in an appropriate and timely way to colleagues who seek advice or raise concerns, encouraging them to do so, and taking appropriate action, including escalating issues and reporting up the chain of command;
8. Ensuring that the employees on your team are not the subjects of retaliation for making good-faith reports; and
9. Promptly reporting any concerns received from team members or others concerning violations of our Code, Bloom policies or the law to the Legal Department or the Bloom Energy Helpline, by using the Manager Report Form.

1.8 ASK QUESTIONS

Our Code can't provide complete answers to all questions. We should always apply the Decision-Making Matrix in Section 1.4 and seek help on the proper course of action when we are not sure. We should expect timely and specific guidance from our managers, the Human Resources Department and the Legal Department, whose contact information is listed in Section 12 of our Code. Some of us have jobs that require more detailed knowledge of a particular compliance topic than you will find in this Code. In that situation, your manager will direct you to the appropriate resources.

If you have sought guidance from your manager and still have questions or concerns, you may seek advice from the Human Resources Department or the Legal Department. You may also use the Bloom Energy Helpline bloomenergy.ethicspoint.com to seek additional advice. You may report or ask questions anonymously on the Helpline, and additional information is available in the subsection of this Code entitled "The Bloom Energy Helpline."



EACH OF US HAS THE RESPONSIBILITY TO SPEAK UP 1.9

We must speak up promptly if there is reason to suspect that any Bloom Energy employee or a business partner has violated Company policies or local law. We must also report any activity that could damage the Company's reputation. You may use any of the following reporting channels:

- ✓ Your manager (provided he or she is not involved in the alleged violation);
- ✓ Bloom Energy Human Resources Department
human.resources@bloomenergy.com;
- ✓ For violations related to financial recording and reporting, internal accounting controls, an auditing matter or fraud, you may contact the Audit Committee of the Bloom Energy Board of Directors:
 - by mail, Bloom Energy Corporation
Attn: Audit Committee of the Board of Directors
4353 North First Street
San Jose, CA 95134 or
 - by email,
audit_committee@bloomenergy.com
- ✓ Bloom Energy's General Counsel
compliance@bloomenergy.com; or
- ✓ The Bloom Energy Helpline
bloomenergy.ethicspoint.com,
described in Section 1.10



1.10 THE BLOOM ENERGY HELPLINE

The Bloom Energy Helpline is:

- ✓ Operated by an independent confidential reporting company whose trained personnel staff the Helpline; and
- ✓ Available 24 hours a day, seven days a week in the languages of Bloom's employees throughout the world.

Contact information for the Helpline (including local toll-free telephone numbers and web access) is available at bloomenergy.ethicspoint.com or on the Legal Department page of BE Central.

The Helpline will keep your issues and identity confidential to the extent permitted by law and subject to our need to investigate and correct the issues you raise. If you work in a country with laws that restrict the topics that can be reported via a hotline (e.g. France), the Helpline will redirect you to another appropriate reporting channel. If you report a violation or suspected violation and appropriate action is not taken, you may follow up with Bloom's Legal Department compliance@bloomenergy.com.

If you are uncomfortable identifying yourself, you may report anonymously, unless prohibited by local law. However, you are encouraged to share your identity since doing so enables us to follow up with you and to undertake a thorough investigation. You should include in your report as much factual information as possible. If you do not have many facts or are unsure whether there is a problem, you are still encouraged to submit your concern.

Q&A

Jean has a concern. Is it better for her to call the Bloom Helpline or to talk to her manager?

You do not have to call the Helpline if there is a way to resolve the situation through a discussion with your manager or the Human Resources Department.

“ If you do not have many facts or are unsure whether there is a problem, you are still encouraged to submit your concern.”

1.11 NON-RETALIATION

We will not allow retaliation against anyone who, in good faith, discloses any actual or suspected violations of the law, this Code or Bloom policies or participates in a Bloom Energy investigation. Retaliation will result in disciplinary action which could include termination of employment.

1.12 INTERNAL INVESTIGATIONS

We investigate all reports promptly, fairly and in accordance with our legal obligations. All employees are required to cooperate fully in any investigation. We will take every reasonable precaution to keep your identity (if you disclose your identity) and the investigation confidential, except as necessary to conduct a full and fair investigation and meet our legal obligations.

1.13 GOVERNMENT INVESTIGATIONS

If we receive a non-routine request, such as a subpoena or an enforceable notice from a government or regulatory agency requiring Bloom Energy's information or assets, it is important that we immediately notify our manager and contact the Legal Department before responding. In any case, we must cooperate and never prevent, hinder or delay a government investigation. We must not make false or misleading statements to a government official.

1.14 PRESERVATION OF DOCUMENTS

From time to time, we may be told by the General Counsel or our manager that documents or electronic files we possess are subject to a "legal hold" or are needed for an investigation. We must follow all directions to preserve those documents or electronic files and never destroy, conceal or alter those documents or electronic files in any way.

1.15 VIOLATIONS

Anyone who violates the standards in this Code will be subject to appropriate action, which, in certain circumstances, may include (a) for directors, removal from the Board of Directors, legal action or referral for criminal prosecution and (b) for employees (other than directors), termination of employment or service provider relationship for cause, legal action or referral for criminal prosecution.

1.16 CERTIFYING TO OUR CODE

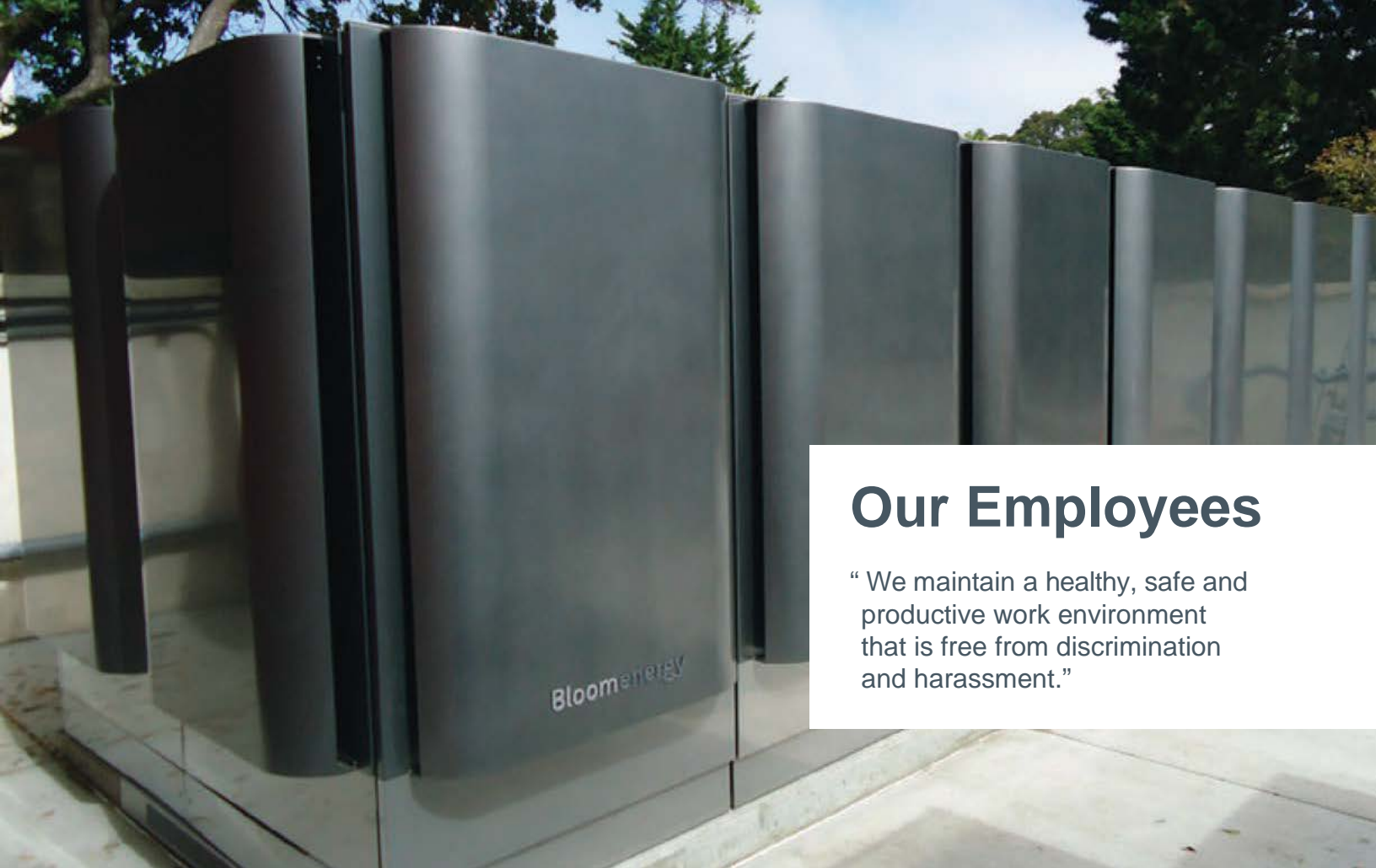
Employees, officers, directors and contractors are required to periodically certify that they have read and understand our Code and other supplemental Codes and guidelines. You will be sent notifications directing you to complete your certification of our Code.

“ We investigate all reports promptly, fairly and in accordance with our legal obligations. All employees are required to cooperate fully in any investigation.”

Q&A

What is a "legal hold"?

When there a lawsuit, investigation or another similar situation, Bloom may be required to produce documents. As a result, the Legal Department may issue a request for us to hold on to certain documents to prevent them from being destroyed or modified.



Our Employees

“ We maintain a healthy, safe and productive work environment that is free from discrimination and harassment.”

2.1 WORK ENVIRONMENT

We maintain a healthy, safe and productive work environment that is free from discrimination and harassment.

And we do not engage in sexual advances, actions or comments; racial or religious slurs or jokes; or any other conduct or comments that create, encourage or permit an offensive or intimidating work environment.

Other prohibited conduct includes:

- ✓ Threats or violent behavior;
- ✓ Possession of weapons of any type (excluding individuals performing a company authorized security function);
- ✓ The use of recording devices, including cell phone cameras and web cameras, except as authorized by your VP or the General Counsel;
- ✓ A manager having a romantic relationship with a subordinate;
- ✓ The use, distribution, sale or possession of illegal drugs or any other controlled substances, except for medications with a valid prescription and over-the-counter medications; and
- ✓ Being under the influence of illegal drugs, controlled substances used for non-medical purposes, or alcoholic beverages in the workplace. Consumption of alcoholic beverages on Bloom Energy premises is only permitted, with prior approval of your VP, for Bloom Energy-sponsored events.

When conducting our business, we do not consider personal characteristics or traits such as:

- ✓ Race
- ✓ Gender
- ✓ National origin
- ✓ Age
- ✓ Color
- ✓ Genderidentity or expression
- ✓ Genetics
- ✓ Religion
- ✓ Sexual orientation
- ✓ Disability

Employee conduct on or off the job that adversely affects performance, other employees or Bloom Energy's legitimate business interests could be subject to disciplinary action, including termination of employment.

2.2 WE DO NOT TOLERATE HUMAN TRAFFICKING

We recognize and support human rights and do not tolerate the use of child or forced labor, trafficking in persons, or procurement of commercial sex acts. We must work to ensure that Bloom Energy does not have suppliers, contractors or other business partners who do so, as reflected in Bloom Energy's Global Business Partner Standards. Our standards apply regardless of local laws and customs.



Q&A

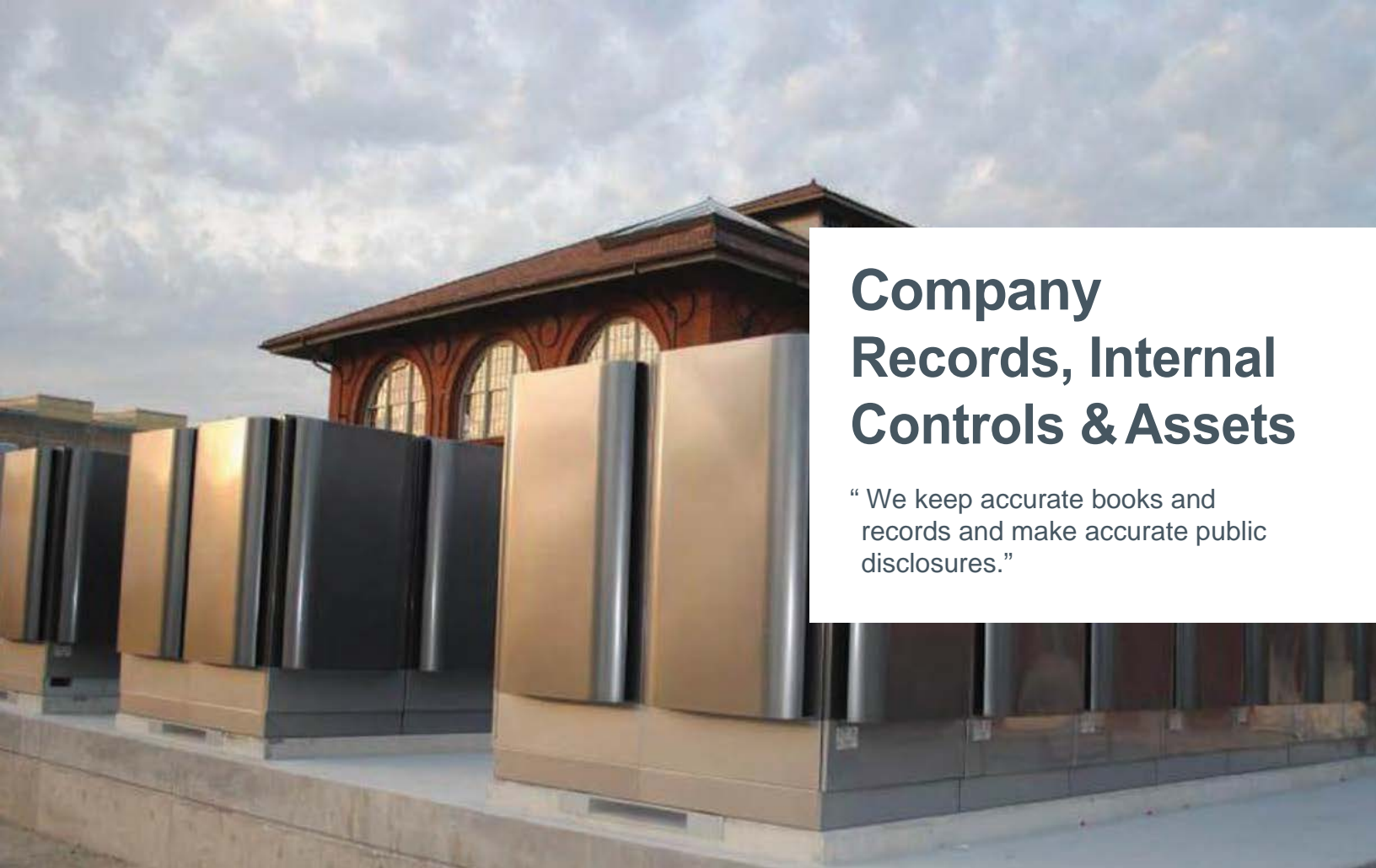
George is concerned that he might have a substance abuse problem. What should he do?

He should talk to his Human Resources Department or send an email to human.resources@bloomenergy.com or, in the U.S., view information on the Employee Assistance Program.

FOR ADDITIONAL GUIDANCE

- [Employee Handbook](#)
- [Global Business Partner Standards](#)

“Employee conduct on or off the job that adversely affects your performance...”



Company Records, Internal Controls & Assets

“ We keep accurate books and records and make accurate public disclosures.”

3.1 MAINTAINING CORPORATE BOOKS, RECORDS AND ACCOUNTS

We keep accurate books and records and make accurate public disclosures. We're all responsible for the accuracy of the records and data we generate – such as time cards, expense reports, corporate balance sheets, equipment maintenance records and supplier data.

- ✓ We never maintain, for any purpose, cash or other assets in an unrecorded or “off-the-books” fund.
- ✓ We clearly disclose any off-balance sheet arrangements.
- ✓ We recognize and state the assets and liabilities of Bloom Energy in accordance with the Company's standard practices and generally accepted accounting principles (“GAAP”).
- ✓ We accurately record the terms of sales and other commercial transactions in the documentation for those transactions and record them in a timely fashion in Bloom Energy's books and records.
- ✓ We follow all delegation of authority and segregation of duties requirements established by the Company involving the authorization, creation, approval and reconciliation of transactions.
- ✓ We provide actual receipts or backup documentation when required.
- ✓ We manage, retain and destroy Bloom Energy's records in accordance with our Records Retention Policy.



Our public disclosures are full, fair, timely and accurate, and they must fairly present our financial condition and results of operations. Employees who collect, provide or analyze information for or otherwise contribute in any way to preparing or verifying these reports must follow all disclosure controls and procedures to produce accurate financial disclosures as required by law.

If you believe our public disclosures are not full, fair and accurate, or you are aware of a transaction or situation that may require disclosure, report the matter immediately to the Legal Department.

3.2 DISCLOSURE CONTROLS

Bloom Energy's disclosure controls and procedures are designed to help ensure that Bloom Energy's reports and documents filed with or submitted to the United States Securities and Exchange Commission and other public disclosures are complete, fair, accurate, fairly present Bloom Energy's financial condition and results of operations and are timely and understandable. Employees who collect, provide or analyze information for or otherwise contribute in any way in preparing or verifying these reports should be familiar with and adhere to all disclosure controls and procedures and generally assist Bloom Energy in producing financial disclosures that contain all of the information about Bloom Energy that is required by law and would be important to enable investors to understand Bloom Energy's business and its attendant risks, including, but not limited to:

- ✓ no employee may take or authorize any action that would cause Bloom Energy's financial records or financial disclosure to fail to comply with generally accepted accounting principles, the rules and regulations of the SEC or other applicable laws, rules and regulations;
- ✓ all employees must cooperate fully with Bloom Energy's finance department, as well as Bloom Energy's independent auditors and legal counsel, respond to their questions with candor and provide them with complete and accurate information to help ensure that Bloom Energy's books and records, as well as its reports filed with the SEC, are accurate and complete; and
- ✓ no employee should knowingly make (or cause or encourage any other person to make) any false or misleading statement in any of Bloom Energy's reports filed with the SEC or knowingly omit (or cause or encourage any other person to omit) any information necessary to make the disclosure in any of such reports accurate in all material respects.

If an employee or director becomes aware that Bloom Energy's public disclosures are not complete, fair and accurate, or if an employee becomes aware of a transaction or development that the employee believes may require disclosure, the employee or director should report the matter immediately to Bloom Energy's General Counsel, in the case of an employee, or to the Lead Independent Director, in the case of a director.

Q&A

Every quarter, Carrie provides her manager with the quarterly results of her function. Her manager then sends those results to Corporate Finance. Last quarter, she noticed that her manager changed the data she gave to him before he sent it to the corporate office. When she asked him about it, he said to "forget it." What should she do?

If Carrie is not comfortable with her manager's response, she should directly contact Corporate Finance, Human Resources or the Legal Department, or use the Bloom Helpline.

FOR ADDITIONAL GUIDANCE

- [Travel and Expense Policy](#)
- [Fixed Asset Capitalization and Depreciation Policy](#)
- [Accounting for Fixed Assets in India](#)
- [Corporate Credit Card Policy](#)
- [Spending Approval Authorization Policy](#)

3.3 PROTECTING BLOOM ENERGY'S REPUTATION, BUSINESS INFORMATION AND OTHER ASSETS

We each play a role in protecting Bloom Energy's assets, which include our physical property and systems as well as such intangible assets as our reputation, confidential business information, patents and trademarks and other intellectual property. We use these assets to serve our customers and preserve value for our investors and other stakeholders.

We each are responsible for being good stewards of those assets by:

- ✓ Safeguarding Bloom assets entrusted to us personally or to which we have access;
- ✓ Taking reasonable care to prevent loss, damage, destruction, theft, unauthorized or improper use, or waste of Bloom assets;
- ✓ Protecting, securing, retaining and destroying Bloom information in accordance with company or local requirements;
- ✓ Safeguarding data from unauthorized access, modification, duplication, destruction or disclosure, whether accidental or intentional;
- ✓ Protecting public and non-public Company information for which Bloom has intellectual property rights;
- ✓ Using or authorizing the use of any Bloom asset only for Bloom business purposes, regardless of condition or value;
- ✓ Never copying, reproducing or transmitting protected material, such as engineering designs, product materials, customer lists, writing, artwork, music, video, photographs, movie clips and software without authorization or license;
- ✓ Never taking, selling, lending, borrowing, giving away or disposing of Bloom assets without proper authorization; and
- ✓ Promptly reporting any concerns about the use, abuse or endangerment of Bloom assets to a manager or the General Counsel.

3.4 CONFIDENTIALITY

Confidential information includes all non-public information (regardless of its source) that might be of use to competitors, or harmful to Bloom Energy or its customers, if disclosed, including any proprietary information shared with Bloom Energy by its customers and business partners, or information that has been acquired by an employee during the course of working for a former employer. Bloom Energy employees have an equal obligation to protect against the unauthorized disclosure or misuse of such third party confidential information. Anyone who has had access to confidential information of Bloom Energy must keep it confidential at all times, both while working for Bloom Energy and after employment ends.



“ We each play a role in protecting Bloom Energy's assets, which include our physical property and systems as well as such intangible assets...”

RETAINING RECORDS 3.5

Employees should be aware of their right to report misconduct directly to a governmental authority as whistleblowers pursuant to applicable laws, rules and regulations of their respective jurisdictions. Reporting to a governmental authority as a whistleblower is specifically exempted from the confidentiality provisions of this policy. No employee will be subject to retaliation or discipline from the company for such reporting.

FOR ADDITIONAL GUIDANCE

- [Records Retention Policy](#)
- [Information Security Policy](#)
- [Information Technology Travel Policy](#)
- [Mobile Device Management Policy](#)

We are each required to maintain our records in compliance with applicable statutory, regulatory or contractual requirements. If you need specific information about records retention, please contact the General Counsel.

Records can be electronic and paper documents, including:

- ✓ Email;
- ✓ Personnel data;
- ✓ Financial transactions and reports;
- ✓ Marketing and client information; and
- ✓ Intellectual property.

Q&A

Diego's manager is using employees to do home improvement projects at his home. Is this okay?

No. Bloom employees are paid to work for Bloom. They are not paid to do personal work for any of us. If Diego's manager is using Bloom funds to make improvements to his house it is an improper use of Bloom assets. If Diego is not comfortable discussing this with his line management, he should report this matter to the General Counsel or through the Bloom Energy Helpline.

A vendor asked Cindy for some of Bloom's confidential information. She is not sure whether she should release the confidential information.

First, she should verify that the vendor has a business need for the disclosure. For example, is the information requested necessary for the vendor to provide the contracted goods and services to Bloom? Second, she should seek and obtain her manager's approval for the disclosure. Third, she should confirm that a non-disclosure agreement (also known as a confidentiality agreement) is in place with the vendor. If she is still unsure, she should check with the Legal Department before making the disclosure. If the information that the vendor is seeking is financial in nature, she should contact the Financial Planning and Analysis Group in Corporate Finance and inquire about the financial disclosure process.

Where can Leo get a non-disclosure agreement, also known as a confidentiality agreement?

[BE Central > Forms > Non-Disclosure Agreements \(NDAs\)](#)



3.6 MAKING COMMITMENTS AND SEEKING APPROVALS

Our approval processes are designed to help us run our business effectively. Within these processes, authority for pricing, contract terms and conditions, and other actions may have been delegated to certain functions and to line management.

- ✓ Each of us must understand our level of authority and the authority related to our job. We must act within the limits of that authority only.
- ✓ We must not make business commitments outside of Bloom Energy's processes or delegation limits, or without appropriate approvals through side deals or otherwise.
- ✓ We must obtain approval from the appropriate level of management or authorized function to modify contract terms.
- ✓ We must not make any oral or written commitments that create new agreements or that modify an existing Bloom Energy commitment with a third party without approval that is consistent with delegation levels.
- ✓ We must report all commitments to Bloom Energy's Finance Department to support Bloom Energy's commitment to accurate books and records.

Q&A

What is a side deal?

In a sales environment, a side deal is one that is outside of the company's formal contracting and approvals process. A side deal would include a guarantee made to a customer that is not in the customer's contract that permits that customer to return to Bloom the customer's unsold inventory (the products Bloom sold to them). Such a side deal could affect the accuracy of the company's books and records. This is why side deals or side letters made outside of Bloom's formal contracting and approvals process are strictly prohibited.

FOR ADDITIONAL GUIDANCE

- [Spending Approval Authorization Policy](#)
- [Contract Signature Authority Policy](#)
- [Contract Deviation Approval Policy](#)

3.7 WORKING IN THE FINANCE FUNCTION

The Chief Executive Officer, Chief Financial Officer, VP Controller, VP Finance, Senior Finance Department personnel and any other persons performing similar functions (“Senior Financial Employees”) must adhere to the following ethical principles and accept the obligation to foster a culture throughout the Company that ensures the accurate and timely reporting of the Company’s financial results and condition. Because of this special role, the Company requires that the Senior Financial Employees:

- ✓ Act with honesty and integrity and use due care and diligence in performing your responsibilities to Bloom Energy;
- ✓ Abide by the policies applicable to all employees; and
- ✓ Avoid situations that represent actual or apparent conflicts of interest with your responsibilities to Bloom Energy, and disclose promptly to the Audit Committee of the Board any transaction or personal or professional relationship that reasonably could be expected to give rise to such an actual or apparent conflict.

Without limiting the standards above, and for the sake of avoiding an implication of impropriety, Senior Financial Employees must:

- ✓ Comply with applicable laws, rules, and regulations of U.S. federal, state, and local governments and governments outside the United States, and of any applicable public or private regulatory and listing authorities; and
- ✓ Achieve responsible use of and control over all assets and resources entrusted to each Senior Financial Employee.

“ Act with honesty and integrity and use due care and diligence in performing your responsibilities to Bloom Energy.”



Avoiding Conflicts of Interest

“A conflict of interest can arise when activities outside of work, ownership interests in other companies, or personal relationships interfere – or appear to interfere – with our ability to do our jobs or make unbiased decisions for Bloom Energy. ”

4.1 IDENTIFYING A CONFLICT OF INTEREST

A conflict of interest can arise when activities outside of work, ownership interests in other companies, or personal relationships interfere – or appear to interfere – with our ability to do our jobs or make unbiased decisions for Bloom Energy.

Conflicts of interest can be avoided or addressed if promptly disclosed and properly managed. If you are aware of a situation such as this, you must:

- ✓ Disclose the situation to your manager or the Legal Department;
- ✓ Remove yourself from the decision-making process regarding the resolution; and
- ✓ Support the subsequent decision.

If you are unsure about how to proceed, seek guidance from your manager or the Human Resources or Legal Department, or use the Bloom Energy Helpline.

Additionally, directors with actual or apparent conflicts of interest should recuse themselves from discussions of the Board of Directors when a personal interest interferes or could reasonably be expected to interfere with the interests of Bloom Energy as a whole.

CONFLICT OF INTEREST

4.1

This chart provides guidance on some of the more common conflicts of interest, but it does not cover every situation. If you have questions you should contact your manager or the Human Resources or Legal Department.

Ask yourself the three questions below to determine whether there might be a conflict of interest:

1

Will I feel obligated to someone else?



No: Proceed

Yes: Do Not Proceed

2

Is there a chance – however small – of my independent judgment being compromised or questioned?



No: Proceed

Yes: Do Not Proceed

3

Will others perceive the situation as improper or perceive me as having divided loyalties?



No: Proceed

Yes: Do Not Proceed

If you answered, “yes,” to any of the three questions, your decision may result in a real or perceived conflict of interest.

4.2 LIMITING GLOBAL GIFTS AND ENTERTAINMENT

We never offer, give or accept gifts and entertainment that might be intended to influence a business decision, or might be perceived that way by others. We avoid conflicts of interest by following the Gifts and Entertainment Policy.

- ✓ We never offer or accept any gifts and entertainment other than those permitted by the Bloom Energy Gifts and Entertainment Policy.
 - ✓ We decline even reasonable offers of gifts and entertainment from any third party when payment or other key decisions are pending, which could look improper.
- ✓ We accurately account for any permitted gifts and entertainment in expense reports and other Company records.
- ✓ We assure costs are allocated properly. For example, if travel is necessary for a Bloom employee to attend a business meeting, Bloom Energy should pay the travel costs for the employee unless our Policy permits a third party to pay the travel costs. Likewise, if Bloom Energy is hosting a meeting, travel costs should be paid by the third-party attendees, unless otherwise permitted by our Policy.

4.3 MAKING OBJECTIVE BUSINESS DECISIONS IN THE BEST INTEREST OF BLOOM ENERGY

Our judgment and decision-making cannot be improperly influenced by close personal or close family relationships. To avoid an actual or perceived conflict of interest:

- ✓ We make personnel decisions objectively, without favoritism or discrimination, and in the best interest of Bloom Energy;
- ✓ We promptly disclose to the Legal or Human Resources Department any close personal or family relationships that create or may appear to create a conflict of interest;
- ✓ We do not select a business partner nor manage any business relationship when that business partner employs someone with whom we have a close personal or family relationship;
- ✓ We recuse ourselves from employment decisions (including interviewing, hiring, promoting or disciplining) that involve anyone with whom we have a close personal or family relationship; and
- ✓ We do not supervise, directly or indirectly, anyone with whom we have a close personal or family relationship.

IMPORTANT NOTE

4.2

Additional requirements and restrictions apply to gifts and entertainment when offered or given to, or received from, Government Officials. We must use care in such situations and consult the Gifts and Entertainment Policy Business Hospitality Policy.



4.4 PERSONAL INVESTMENTS AND TRANSACTIONS THAT CONFLICT WITH BLOOM

If you are considering engaging in a personal business transaction that may present an actual or perceived conflict of interest, discuss the matter in advance with the General Counsel so that she may evaluate the situation and, if appropriate, provide an approval. Examples of actual or perceived conflicts of interest include:

- ✓ Owning, either directly or indirectly, a substantial interest in any business entity that does business with or may seek to do business with Bloom;
- ✓ Owning, either directly or indirectly, shares or other securities in any business that competes with Bloom Energy (except through a mutual fund); and
- ✓ Being a close family member of someone who owns (even partially) or is employed by a business that may seek to do business or compete with Bloom Energy.

All related party transactions, whether or not deemed to be a conflict of interest, must be approved in accordance with Bloom Energy's Related Party Transaction policy. See Related Party Transaction Policy.

4.5 OUTSIDE EMPLOYMENT AND OTHER ACTIVITIES

Bloom encourages employees to lead full and productive lives away from work. Outside activities, such as running your own business, working a second job, serving on a board and participating in community projects, are acceptable as long as these activities do not:

- ✓ Interfere with your job responsibilities or performance;
 - ✓ Involve working for a competitor or supplier;
 - ✓ Use Company resources, including other employees or vendors; or
 - ✓ Create any other kind of conflict of interest.
- ✓ Employees who wish to engage in outside employment must submit a written request to Bloom Energy compliance@bloomenergy.com and vice president of the function explaining the details of the outside employment.

4.6 CORPORATE OPPORTUNITIES

Any business opportunities we discover through our work or through the use of Company property or information belonging to Bloom Energy and must not be used for our personal benefit.

To avoid conflicts of interest you must:

- ✓ Bring any on-the-job discoveries or innovations related to Bloom's business to the attention of our manager;
- ✓ Never take for ourselves opportunities discovered through the use of Company property, Company information or our position;
- ✓ Never use proprietary information acquired on the job for personal gain; and
- ✓ Never compete against Bloom Energy.

Q&A

Please provide an example of a conflict of interest.

Your best friend's child needs a summer internship and you, alone, make the decision to hire her for your team. This scenario presents a conflict of interest. The better approach would have been to direct your friend's child through the official Bloom Energy application process for internships, allowing members of the hiring committee to make the decision. In her application, your friend's child could include your name as a reference. Another example would be if your relative owns a business that makes a product that Bloom is evaluating for purchase, and you are one of the decision-makers. In such a situation, you should advise the other decision-makers of your relationship and recuse yourself from the evaluation and decision-making process.

SPECIAL NOTE REGARDING EMPLOYEE LOANS

Loans to employees or their family members by Bloom Energy, or guarantees of their loan obligations, could constitute an improper personal benefit to the recipients of these loans or guarantees. Bloom Energy loans and guarantees for executive officers and directors are expressly prohibited by law and Bloom Energy policy. Any loans to employees require the prior approval of the Board of Directors.

Q&As

Hannah has been asked to sit on the Board of Directors of a start-up company. Can she accept?

Before accepting, she must obtain written approval from Bloom Energy's Legal by emailing compliance@bloomenergy.com and the Vice President of her Function. The company on whose board she wishes to sit should not compete with Bloom Energy and should not be a customer, partner or supplier of Bloom Energy, and the time required to sit on the Board should not interfere with her commitments to Bloom Energy. She may receive compensation when serving in an approved board position.

A customer of Bloom Energy has asked John to provide consulting services in connection with the development of a product that would be of no interest to Bloom Energy. His work responsibilities at Bloom require him to interact with this customer. Would this be a conflict of interest?

Yes, this could create a conflict of interest. Other customers or suppliers might perceive that John is favoring this customer even if he is not. John's loyalties may appear to be divided if he is performing services for the customer that Bloom Energy might otherwise have been asked to perform.

Can Vanessa avoid the limitations and requirements of our Gifts and Entertainment Policy by paying for entertainment, such as a round of golf, with her personal funds?

No, such a gift would be seen as coming from Bloom whether Vanessa is paying personally, or Bloom reimburses her. Bloom would consider her payment with personal funds to be an improper evasion of our Policy. In such a situation, Vanessa must obtain prior written approval from the General Counsel if the value of the round of golf is equal to or exceeds 100 USD, as required by the Gifts and Entertainment Policy, and explain in her application why she thinks that such expensive entertainment should be excepted from our policy limits and is appropriate for this invitee. Of course, providing the gift must be lawful and permitted by the recipient's employer.

Q&As

We just closed on a very important deal. Everyone on our team and the counter-party's team really worked hard. We would like to take both teams for dinner and give each team member a gift. The cost would exceed the threshold in the Gifts and Entertainment Policy because the city where the dinner will take place is quite expensive. All team members are very high-ranking in their companies. What should we do?

You or your team should obtain prior written approval from the General Counsel as required by the Gifts and Entertainment Policy. Explain to the General Counsel why you think an exception should be made to the threshold.

Our vendor's representative just offered Sam a ticket to a "Final Four" basketball national championship game. If he were to buy the ticket himself, the cost would be at least 200 USD. Sam will attend an "away" game, so the vendor will also pay for his hotel and airfare. He would attend the game with the vendor's representative and have access to the vendor's corporate box, so he would have time to discuss business with the vendor's representative and the vendor's other guests. May Sam accept?

Not yet. This involves both entertainment (attending the sporting event with the vendor) and gifts (hotel and airfare) would be considered luxurious by an objective third party and likely to affect Sam's objective decision-making abilities, so accepting the gift is inconsistent with this Code and Bloom's Gifts and Entertainment Policy. If building a relationship with this vendor is strategically important to Bloom, then he should talk to his manager about Bloom paying for a business trip for him to visit the vendor's facility to have meaningful business discussions.



FOR ADDITIONAL GUIDANCE

- [Employee Handbook](#)
- [Anti-Corruption Policy](#)
- [Gifts and Entertainment Policy](#)

Q&A

4.7 INSIDER TRADING AND MARKET ABUSE ARE PROHIBITED

Insider trading is illegal, and penalties can be severe for the Company and its employees. In the course of doing business, many of us may become aware of non-public information about Bloom Energy or another company. That information is considered “material” if an investor can use it to make a decision to trade in the shares of stock of the Company. Employees may not use such information for insider trading nor provide that information to others (“tipping”). We are all responsible for protecting confidential and non-public information from accidental or inadvertent disclosure. Please review the Insider Trading Policy for additional information.

You should not:

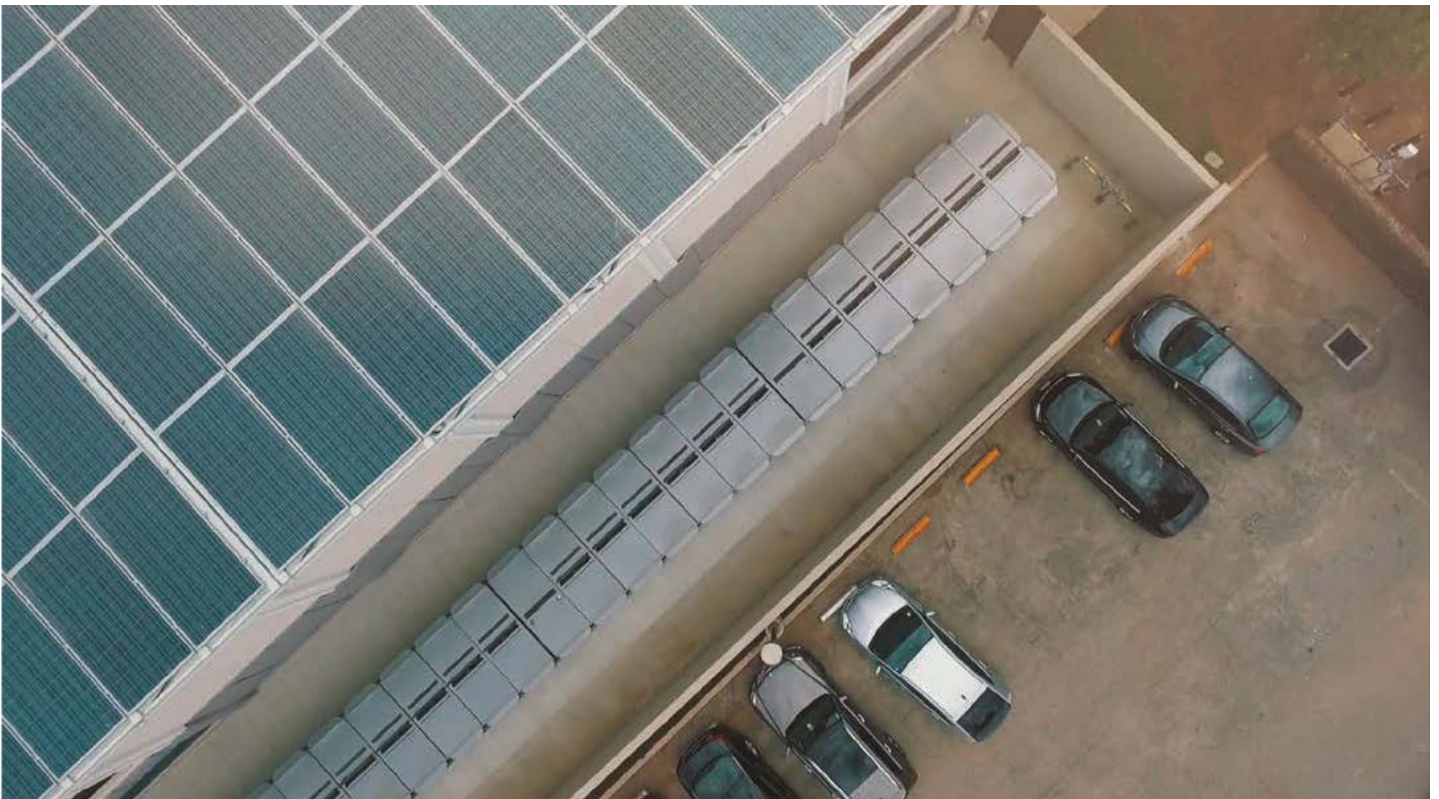
- ✓ Buy, sell, or otherwise deal with shares of stock in Bloom Energy or any publicly traded company when we are in possession of material nonpublic information;
- ✓ Disclose non-public information, directly or indirectly, to anyone outside of Bloom Energy, including family members, relatives or friends (“tipping”);
- ✓ Share material non-public information with fellow employees;
- ✓ Encourage others to trade on material non-public information; or
- ✓ Spread false information or do anything to manipulate the price of publicly listed securities

How do I know if information is “material”?

This is a potentially complex determination that depends on whether the information would likely be considered important to an investor who is buying or selling stock. This is not an easy answer. For assistance, contact the Legal Department or the Bloom Energy Helpline.

FOR ADDITIONAL GUIDANCE

- [Insider Trading Policy](#)





Anti-Bribery and Corruption

“Bloom Energy prohibits all forms of corruption, including bribery, kickbacks and fraud.”

5.1 BRIBERY AND CORRUPTION ARE PROHIBITED

Bloom Energy prohibits all forms of corruption, including bribery, kickbacks and fraud. We support the anti-corruption laws of the countries where we pursue business opportunities, including the U.S. Foreign Corrupt Practices Act, and we always follow our Anti-Corruption Policy and we:

- ✓ Never offer, promise or give anything of value to a Government Official or to anyone else to gain a business advantage;
- ✓ Never offer or accept bribes or kickbacks;
- ✓ Never engage in facilitating payments;
- ✓ Record all payments and receipts completely and accurately;
- ✓ Never use an agent, consultant or any other third party to bribe or do anything else that our policies prohibit us from doing;
- ✓ Never use our own funds to avoid the requirements of our policies; and
- ✓ Obtain prior written approval as required by the Anti-Corruption and Gifts and Entertainment Policies and the Global Sponsorships and Charitable Contribution Policy.

WHAT IS A GOVERNMENT OFFICIAL?

5.1

Government Officials include personnel at any level of a government (national, state/provincial and local), including civil workers, military officers, diplomats, legislators, political party members and candidates, as well as employees of public international organizations such as United Nations-Energy, the Asian Development Bank and World Bank. Government Officials also include the employees of government-owned or -controlled organizations, such as energy companies, public utilities, educational institutions and television and radio stations. In addition to members of royal families, Government Officials also include any individual or organization that serves as an advisor, consultant or agent of a Government Official. For more information, consult the Anti-Corruption Policy.

5.2 THIRD PARTIES, SUPPLIERS AND OTHER BUSINESS PARTNERS

We do business with third parties such as suppliers, joint venture partners, agents, advisors, consultants and other business partners. We expect Bloom employees who interact with these business partners to make sure they understand the standards set out in the Global Business Partner Standards.

Bloom Energy employees who select and monitor relationships with business partners who act on our behalf with governments, customers or anyone else, must follow the Anti-Corruption Policy requiring employees to:

- ✓ Obtain prior written approval from the General Counsel before commencing a commercial relationship with the business partner;
- ✓ Conduct adequate due diligence on business partners to confirm that they are reputable and qualified and that there is a real business need for them;
- ✓ Document the relationships in writing and ensure that the transaction is transparent;
- ✓ Verify that Bloom Energy is paying no more than fair market value for the business partner's products and services; and
- ✓ Verify that business partners are not being engaged to conduct activities on behalf of Bloom Energy that Bloom Energy employees are prohibited from performing directly.



Q&As

What is a kickback?

A kickback is a particular type of bribe that involves giving or receiving a payment or other form of gift as a reward for the awarding of a contract or other favorable outcome or business transaction.

We want to offer airfare to the Olympics to some of our suppliers and a few potential customers, such as government controlled energy and transportation companies. May we proceed?

No. We cannot provide a gift, such as airfare, to Government Officials, for an event that is unrelated to the promotion of Bloom Energy's products and services. The companies you cite, even though they are run like commercial organizations, are owned and controlled by governments and their employees are Government Officials.

FOR ADDITIONAL GUIDANCE

- [Anti-Corruption Policy](#)
- [Gifts and Entertainment Policy](#)
- [Global Sponsorships and Charitable Contributions Policy](#)



Q&A

Charlotte would like to start working with a new consultant to help us lobby politicians to change legislation to benefit Bloom Energy. She is planning to just send her a contract. May Charlotte proceed?

Not yet. Charlotte needs to review the Anti-Corruption Policy and follow the requirements. Most importantly, she must obtain prior written approval from the General Counsel for all third parties who will interface with government, customers or anyone else for the benefit, at the direction or on behalf of Bloom Energy. This is essential to protect her and Bloom – because these types of third parties present potential risk to her and Bloom Energy.

Be on the Alert for the Following Red Flags When Interacting with Business Partners:

- ✓ A Business Partner who refuses to agree to anti-corruption terms requiring compliance with law in our contract;
- ✓ A Business Partner who does not follow laws or who operates without required permits;
- ✓ A Business Partner's refusal to disclose relationships or interests involving Government Officials;
- ✓ A Business Partner who is related to a Government Official;
- ✓ A country that has a reputation for corruption and bribery;
- ✓ Requests for commissions to be paid to a country or a party not agreed to in the contract or to be paid in a bank safety box;
- ✓ Requests for payments in cash or in untraceable funds;
- ✓ A Business Partner who relies heavily on political or government contacts as opposed to knowledgeable staff and investment of time to promote Bloom Energy's interests;
- ✓ Vague, non-specific descriptions for payments made in accounting entries;
- ✓ Documents or corporate structures that conceal the true identity of the Business Partner; and
- ✓ Over-invoicing or false invoicing.

If you have identified or suspect a Red Flag, seek immediate assistance from your manager, the Legal Department or the Bloom Energy Helpline.

FOR ADDITIONAL GUIDANCE

- [Anti-Corruption Policy](#)

5.3 OFFERING EMPLOYMENT TO GOVERNMENT OFFICIALS OR THEIR FAMILY MEMBERS

Beyond gifts and entertainment such as meals and travel, certain legal or ethical restrictions may also apply when seeking to employ or offer an internship to current or former employees of the government or their close family and other relatives. Prior written approval from the General Counsel is required to hire such persons.

In the anti-corruption context, the definition of a relative is very broad:

A “relative” includes spouses, children, siblings, parents or any other person who is related by blood or marriage, or whose formal relationship with the employee is similar to that of persons who are related by blood or marriage such as registered domestic partners.



Q&A

A government customer recently suggested to Jerry that Bloom use a particular consultant. He met the recommended consultant and was very impressed. Jerry also called other companies, and they praised the consultant. He wants to seek approval for this consultant from the General Counsel. What do you think?

The fact that the consultant was recommended by a government customer is a “red flag” and Jerry should proceed with caution. It could mean that the government customer and the consultant have an arrangement that provides improper incentives to the government customer through the consultant. If Jerry decides that he wants to move forward with the consultant, he should ensure that when he seeks approval for the consultant from the General Counsel (as required by the Anti-Corruption Policy), he indicates that a government customer recommended the consultant.

FOR ADDITIONAL GUIDANCE

- [Anti-Corruption Policy](#)



Q&A

Kate wants to offer a job or internship to a child of the Minister of Energy in exchange for a change to energy legislation that would benefit Bloom. Can she do this?

No. Doing so would constitute corruption. We cannot offer employment or a paid or unpaid internship to a relative of a Government Official or anyone else in exchange for an improper benefit. However, a third party may apply for employment or internship opportunities through the official Bloom employment or internship application process which uses objective evaluation criteria. The applicant should disclose that he or she has family or friends who are Government Officials so that if the applicant is hired, Bloom can ensure that the applicant is not placed in a position that creates actual or perceived conflicts of interest.

FOR ADDITIONAL GUIDANCE

- [Anti-Corruption Policy](#)



International Trade and Immigration Regulations

“We comply with all applicable international laws, rules and regulations that regulate exports, imports and domestic trading in goods, software, services and technology.”

6.1 INTERNATIONAL TRADE LAW COMPLIANCE

We comply with all applicable international laws, rules and regulations that regulate exports, imports and domestic trading in goods, software, services and technology. These laws include international sanctions and restrictive trade practices that forbid doing business with certain countries and nationals. Trade restrictions can apply to site visits, training, employment and transmission of products software or technical data. We are responsible for knowing these requirements and regulations and how they apply to our roles and responsibilities regardless of where we are located. These laws and regulations can be complex, so if you have questions or are unsure about the rules, please contact the Legal Department.



6.2 WORKING WITH GOVERNMENTS

Special rules govern Bloom Energy's business and other dealings with governments. Employees should use all reasonable efforts to comply with all, and in no event shall any employee knowingly violate any, applicable laws and regulations governing contact and dealings with governments, government employees, and public officials, where special rules apply. Refer any contract with any governmental entity to the legal department for review and approval. Refer all government requests for Bloom Energy information, documents, or investigative interviews to the Legal department immediately.

6.3 EXPORTS

Before our products, services and technology can be exported, re-exported or delivered anywhere, we must validate that we have the authorization to do so under applicable U.S. and non-U.S. laws. Export laws cover more than just physical shipments; they also cover:

- ✓ Electronic transfers of, and remote access to, software or technology;
- ✓ Provision of services over a network, including e-business and e-services;
- ✓ Design, development and delivery of hardware, software and solutions;
- ✓ Travel outside the U.S. with Bloom products or technology;
- ✓ Provision of technical specifications and performance requirements to suppliers outside the U.S.;
- ✓ The transfer of personal knowledge (technical assistance) outside the U.S. or the relevant country of residence; and
- ✓ Disclosures of Bloom technology to recipients who are not citizens or permanent residents of the relevant country (e.g. where the recipient is a non-U.S. person located in the U.S.).

6.4 IMPORTS

As we import from locations both in the U.S. and outside the U.S., Bloom must comply with all import laws, regulations and requirements when engaging in international trade. In addition to the cross-border movement of physical items, there may be legal implications resulting from other activities, such as:

- ✓ Changes in manufacturing location, processes or source;
- ✓ Calculations of inter-company prices for sales or services to a Bloom Energy location in another country;
- ✓ Determination of product country of origin; and
- ✓ Maintenance of accurate data and records for product inventory, sales and shipment.

Q&A

Brit is traveling to visit customers and audit suppliers whose facilities are outside of his country of residence. He needs to take some of our technical information with him so that he can answer their detailed questions. May he take these documents outside of his country of residence?

Brit should check with Bloom's Legal Department each time he takes raw materials, a product, software or technical data such as manuals, blueprints, specifications and similar information with him outside his country. In this manner, he can avoid unintentionally violating local import laws.



6.5 ANTI-BOYCOTT

We are prohibited from following or supporting a boycott by a country other than the U.S. If you receive an oral or written boycott request (requests can arise in letters of credit, bid invitations, purchase orders, contracts, bills of lading and other transaction documents), please advise the General Counsel immediately, because Bloom is required to promptly report to the U.S. government certain requests to support a boycott. Examples of improper requests include requests that we:

- ✓ Refuse to do business with the boycotted country;
- ✓ Provide information about activities in a boycotted country;
- ✓ Implement letters of credit with boycott conditions; and
- ✓ Issue negative certifications of origin.

6.6 FINANCIAL CRIME, MONEY LAUNDERING AND ANTI-TERRORISM REGULATIONS

“Money laundering” is the process of concealing the proceeds of illegal activities or the source of illegal funds to make them look legitimate. These sorts of transactions could aid terrorists or organizations that support terrorists, or they could be attempts to conceal other illegal activity. We must ensure that we conduct our business with reputable partners, for legitimate business purposes, using legitimate funds. Check for “red flags” such as requests from a potential supplier for cash payments or other unusual payment terms. If you suspect any potential money laundering activities, promptly report the situation to the General Counsel.

6.7 IMMIGRATION

Cross-border travel to support our business must meet the immigration, payroll and tax requirements of our policies and the laws of the destination country. For example, valid work authorizations and documentation, such as a work permit or a work visa, are usually required if you are going to work in another country. If you are traveling to another country for meetings, training or any other business purpose, you must also ensure that you have met the destination country’s entry requirements. For more information email human_resources@bloomenergy.com.

Q&A

One of our new customers outside the United States has sent Janet a revised contract with language requiring Bloom Energy to comply with a boycott of certain countries. The language seemed odd to her. This language is also in their letter of credit and an ancillary document from their local law firm. What should Janet do?

Good catch. Janet is demonstrating exactly why it is important to carefully read documents. Janet should speak to the Legal Department immediately and not sign those documents. The requests could be violations of the U.S. Anti-Boycott law, which may require reporting to the U.S. Treasury Department even if she were to succeed in negotiating the language out of the documents.



Q&A

Harry was asked to make arrangements for a national of another country to travel to our country to work in our office for at least three months. The manager told Harry that the employee will travel on a tourist visa, so he didn't need to bother with work permits. Harry is not comfortable; he knows that our country has a lot of regulations concerning the immigration and employment of expatriates. What should he do?

Harry is on the right track. If he is not comfortable speaking with his manager, he should contact the Human Resources Department or use the Helpline for assistance. We absolutely must make sure that when we relocate employees for short- or long-term periods, we are in compliance with immigration and labor laws and regulations. Non-compliance can lead to severe penalties and reputational damage for Bloom and its employees.

FOR ADDITIONAL GUIDANCE

- [Anti-Corruption Policy](#)



Antitrust/ Competition Laws, Selling & Procurement

“While some instances of contact with competitors are acceptable, they require caution because the laws that govern these activities are complex and can have negative consequences for Bloom Energy.”

7.1 WORKING WITH COMPETITORS

While some instances of contact with competitors are acceptable, such interactions still require caution, because the laws that govern these activities are complex and can have negative consequences for Bloom Energy.

Discussion or collaboration on prohibited subjects with competitors can be illegal.

- ✓ You must also avoid any discussion or agreement on dividing customers or territories.
- ✓ If a competitor raises a prohibited subject, even lightly or with apparent innocence, you should object out loud, stop the conversation immediately and inform the competitor that you will not discuss these matters. If necessary, you should leave the meeting and immediately report the matter to the General Counsel.

If you have questions about these issues, you are urged to seek prompt assistance from the Legal Department.

Prohibited subjects

Prohibited subjects include pricing policies, contract terms, costs, inventories, marketing and product plans, market surveys and studies, production plans and capabilities, and any other proprietary or confidential information.

7.2 COMPETING AND FAIR DEALING

We must deal fairly with our customers, partners, service providers, suppliers, competitors, fellow employees and anyone else with whom we have contact in the course of performing our duties for Bloom Energy. We do not take unfair advantage of anyone through manipulation, abuse of privileged information, misrepresentation, concealment of material facts or any other unfair-dealing practice.

7.3 WORKING IN SALES AND SELLING TO THE GOVERNMENT SECTOR

Employees involved in sales have a special responsibility to abide by all of our policies regarding selling activities, including policies relevant to revenue recognition by Bloom Energy.

When selling to the government sector, be aware of government sector procurement laws that are designed to ensure that products and services are procured at fair and reasonable prices. These laws vary widely and can be complex. Be aware and sensitive to the following when working with the government sector:

- ✓ Procurement laws generally require competitive bidding and permit sole source procurement only in specific circumstances.
- ✓ We may review an advance copy of a solicitation or tender document only if the client has also made it available to other bidders.
- ✓ As a general rule, we may not prepare a solicitation document on behalf of a government client, even at the client's request, or submit any anonymous documents, such as white papers, to a government sector client, or encourage a public sector client to sign an agreement before an award is made to Bloom Energy.
- ✓ We should never discuss business or employment opportunities that could personally benefit any government sector procurement personnel during an active or anticipated procurement, and we must not offer or provide gratuities or any promises in connection with a procurement activity.
- ✓ Prior to hiring an agent, consultant or other business partner to assist with a government sector procurement, we must obtain written approval from the General Counsel. This process supports Bloom Energy's responsibility to avoid conflicts of interest, comply with anti-corruption laws, and ensure that the business partner agrees to our Global Business Partner Standards.
- ✓ If we plan to use subcontractors for government procurements, we need to confirm that the contractor requires its subcontractors to comply with the Global Business Partner Standards.

Q&A

We need data regarding the price other companies are paying our suppliers. We think we are being overcharged. Can we call some of their other customers and talk about pricing – perhaps if we get together with a few of the other customers we can pressure the suppliers to reduce their prices?

No, not as you have contemplated. You should speak to the Legal Department to discuss an alternative method to negotiate lower prices with your supplier. Getting together with other customers to pressure the vendor to reduce prices is unethical, probably unlawful, and would be embarrassing if it became public. Instead, you might be able to lawfully create a formal purchasing consortium with other customers or perhaps use an already-existing industry trade group – and ensure that the consortium or industry trade group has the proper legal governance in place to avoid unlawful behavior.

FOR ADDITIONAL GUIDANCE

- [Revenue Booking & Backlog Policy](#)
- [Anti-Corruption Policy](#)
- [Global Business Partner Standards](#)

7.4 WORKING IN PROCUREMENT

When deciding among competing suppliers, we weigh the facts impartially to determine the best supplier. We should do so whether we are in a procurement job or any other part of the business – and regardless of whether we are making a large or small purchase.

- ✓ We must not exert or attempt to exert influence to obtain special treatment for a particular supplier – even appearing to do so can undermine the integrity of our established procedures.
- ✓ We should not tell a prospective supplier that Bloom’s decision to buy the supplier’s goods or services is conditioned on the supplier’s agreement to buy Bloom’s products or services. This does not mean that a Bloom supplier cannot be a customer or that we cannot consider all of Bloom’s relationships with the supplier when evaluating the supplier. It just means that we must make the decision to buy from the supplier independently and apart from the supplier’s decision to purchase from Bloom.

7.5 ANTITRUST LAWS

Antitrust laws are designed to protect customers and the competitive process. These laws generally prohibit Bloom Energy from establishing:

- ✓ price fixing arrangements with competitors or resellers;
- ✓ arrangements with competitors to share pricing information or other competitive marketing information, or to allocate markets or customers;
- ✓ agreements with competitors or customers to boycott particular business partners, customers, suppliers or competitors; or
- ✓ a monopoly or attempted monopoly through anticompetitive conduct.

Some kinds of information, such as pricing, should never be exchanged with competitors, regardless of how innocent or casual the exchange may be, because even where no formal arrangement exists, merely exchanging information can create the appearance of an improper arrangement.

Noncompliance with the antitrust laws can have extremely negative consequences for Bloom Energy, including long and costly investigations and lawsuits, substantial fines or damages, and negative publicity.

Understanding the requirements of antitrust and unfair competition laws of the jurisdictions where Bloom Energy does business can be difficult, and employees are urged to seek assistance from their supervisors or Bloom Energy’s General Counsel whenever they have questions relating to these laws.

“When deciding among competing suppliers, we weigh the facts impartially to determine the best supplier. We should do so whether we are in a procurement job or any other part of the business”

FOR ADDITIONAL GUIDANCE

- [Anti-Corruption Policy](#)
- [Gifts and Entertainment Policy](#)
- [Global Business Partner Standards](#)



Q&As

Why is the source of competitive data an issue?

Obtaining information illegally or unethically could damage Bloom Energy's reputation and in some cases, could subject you and Bloom to liability. For example, using illegally or unethically obtained information in a bid to a government could result in criminal charges and disqualification from future bidding.

What is special about pricing when we are transacting with governments?

In the United States, there are laws that make it a crime to overcharge the U.S. government. Some other countries have similar laws. For more information, contact the Legal Department.

Tess works in Procurement and one of our key suppliers has invited her to his weekend home in the mountains. May she go?

No. Such an invitation would create the appearance of a conflict of interest. In addition, such a trip is not for a business purpose and is not modest; therefore, Tess should disclose the offer to her manager and politely refuse the offer by explaining that company policies do not permit her to accept.



Protecting Personal Information, Using Communication Systems and Public Speaking

“Personal Information (also known as “personally identifiable information” or “PII”) is information that can be used on its own or with other information to identify an individual...”

8.1 PROTECTING PERSONAL INFORMATION

Personal Information (also known as “personally identifiable information” or “PII”) is information that can be used on its own or with other information to identify an individual, such as an employee, customer, supplier, service provider or other business partner. PII can include names, national identification numbers, financial account numbers, credit card numbers with security codes, medical records and other types of information that require protection as a result of laws and regulations.

To protect PII, you must:

- ✓ Be aware of PII in your work area;
- ✓ Understand the legal and contractual limits on the use of PII;
- ✓ Collect, use and process PII only for legitimate business purposes;
- ✓ Collect, use and disclose PII in compliance with applicable data privacy laws and regulations in the countries where we do business;
- ✓ Share PII with other employees only when required to do your work at Bloom Energy;
- ✓ Not share PII externally without prior written approval from the General Counsel;
- ✓ Properly store or transport PII (e.g. encrypt, password protect, secure in a locked area, etc.);
- ✓ Properly dispose of paper containing PII (e.g. cross-cut shred, etc.); and
- ✓ Immediately report unauthorized use, disclosure or loss of PII to your manager, the Human Resources Department, the General Counsel or the Bloom Energy Helpline.

8.2 USING INFORMATION AND COMMUNICATION SYSTEMS RESPONSIBLY

Our information and most communication equipment and systems include mobile devices, computers and networks. They are the property of Bloom Energy, as are the contents of communications shared over these systems, such as email, voicemail, instant messages, recordings, texts, social media and any other electronic messages. We are allowed incidental personal use of equipment and systems as long as it is reasonable, does not interfere with work responsibilities and is consistent with our Code and policies.

Responsible use of Bloom Energy's information and communications systems means that we must:

- ✓ Grant access only to authorized individuals;
- ✓ Rigorously protect passwords and IDs;
- ✓ Take precautions to ensure Company systems and devices are not compromised by malicious electronic threats, such as viruses and phishing schemes;
- ✓ Recognize that employees have no reasonable expectation of privacy when using Company-provided information technology and equipment;
- ✓ Take the same care composing electronic messages that we would when writing a letter on Company letterhead; and
- ✓ Never use Bloom Energy information, communications systems or equipment for illegal or unethical activities, such as viewing or sending content that is pornographic, obscene, sexually oriented, harassing, violent, discriminatory or likely to incite hatred.

Q&As

Steven suspects that he may have inadvertently given our vendor a list of Bloom employees that had a column with the national identification number for each employee. What should he do?

He should immediately advise his manager, the Human Resources Department or the Legal Department, or make a report to the Bloom Energy Helpline.

Rose is reviewing the forms that our suppliers complete. It seems as if we ask a lot of questions – Rose is not sure that we need all of the PII we are collecting. What kinds of PII should we collect?

We should ensure that we have a business need for any PII that we collect.

Greg's colleague is thinking about emailing Bloom Energy customers to ask them if they will sponsor her for a charity walk-athon. Is this okay?

No. Employees should not use customer PII, such as email addresses, for their own personal purposes.

8.3 RESPONDING TO INQUIRIES FROM INVESTORS, ANALYSTS AND THE MEDIA

At Bloom, we speak with one voice when communicating with investors, financial analysts and members of the media, such as journalists. Only employees who are specifically trained and authorized to do so should represent Bloom Energy with investors, financial analysts and the media.

If you receive an inquiry from outside the Company and are not authorized to respond, you should:

- ✓ Be friendly and courteous;
- ✓ Refrain from sharing any information about Bloom Energy; and
- ✓ Refer the inquiry to info@bloomenergy.com.

In addition, it is Bloom Energy's policy to disclose material information concerning Bloom Energy to the public only in accordance with Bloom Energy's Corporate Communications Policy in order to avoid inappropriate publicity and to ensure that all such information is communicated in a way that is reasonably designed to provide broad, non-exclusionary distribution of information to the public. Only those individuals designated as official spokespersons in Bloom Energy's Corporate Communications Policy may address questions regarding financial matters. Please see Bloom Energy's Corporate Communications Policy for additional information.

“ At Bloom, we speak with one voice when communicating with investors, financial analysts and members of the media, such as journalists.”



FOR ADDITIONAL GUIDANCE

- [Information Security Policy](#)
- [Information Technology Travel Policy](#)
- [Mobile Device Management Policy](#)
- [Corporate Communications Policy](#)

8.4 SOCIAL MEDIA AND PUBLIC SPEAKING

When we speak out on public issues or in a public forum, we do so as an individual, and we do not give the appearance of speaking or acting on Bloom Energy's behalf. Social media is increasingly monitored by clients, colleagues, investors and regulators.

Before creating online content, consider some of the risks and rewards that are involved. We should keep our communications respectful and avoid adversely affecting our business.

Carefully read this section, as well as Bloom Energy's Discrimination and Harassment Policy, Your New Hire Confidential Information, Invention and Assignment Agreement and the Information Security, to ensure that social media postings are consistent with these policies. Inappropriate postings that include discriminatory remarks, harassment or threats of violence or similarly inappropriate or unlawful conduct are prohibited.

We do not disclose, post or discuss Bloom Energy's business-related confidential, proprietary or trade secret information, such as non-public information regarding Bloom Energy's systems, processes, products, know-how, plans, strategies and technology. We do not post internal reports, policies, procedures or any other internal business-related confidential information in an Internet "chat room," blog, social media site, or other online forum, nor should we post Bloom Energy's information on the Internet in any way (regardless of whether we use our own name or a pseudonym) without the prior approval of the General Counsel. If there are questions about whether certain information is confidential, proprietary or a trade secret, please consult Your New Hire Confidential Information, Invention and Assignment Agreement and the Information Security, and discuss any questions with your manager or the Human Resources Department.



Q&A

Joanna was asked to speak at a conference. May she do so, and may she accept payment?

Maybe. If she is representing Bloom Energy she may not accept payment. However, if Joanna is making the presentation during her personal time and is not representing Bloom Energy, she may be allowed to accept payment. Before accepting this opportunity, Joanna should check with her manager, the Legal Department, the Human Resources Department (send an email to human.resources@bloomenergy.com), or use the Bloom Energy Helpline at bloomenergy.ethicspoint.com.

FOR ADDITIONAL GUIDANCE

- [Your New Hire Confidential Information, Invention and Assignment Agreement](#)
- [Information Security Policy](#)
- [Employee Handbook](#)

Operational Excellence: Environment, Health & Safety

“Our customers are why we are in business. We treat customers with courtesy and respect at all times, and we work together to satisfy our customers’ needs for high quality and reliable service.”

Bloomenergy

9.1 DELIVERING ON QUALITY, RELIABILITY AND CUSTOMER SERVICE

- ✓ We listen carefully and respond quickly to customer inquiries and requests.
- ✓ We act professionally, respectfully and with empathy.
- ✓ We work safely, responsibly and courteously when on the property of a customer or other third party.
- ✓ We treat customers fairly and consistently, including using fair and honest practices in advertising, marketing, sales and customer service interactions.
- ✓ We never bypass quality controls or take shortcuts that compromise the quality or safety of our services.

FOR ADDITIONAL GUIDANCE

- [Quality Policy](#)
- [Service Procedures](#)
- [Employee Handbook](#)

Q&As

Tony received a call from a customer asking for information that he does not have. What should he do?

Tony should promptly pass on the query to Bloom’s Customer Service Experience Team at customercare@bloomenergy.com and respond by acknowledging the request and letting the customer know that a Bloom representative will contact him or her shortly.

Ann has discovered a quality issue that could result in the failure of our products in the field, but she is worried that raising the issue would result in missing a deadline. What should Ann do?

Everyone has the responsibility to support our goal for our products to meet Bloom’s quality standards. Ann should immediately raise the issue with her manager, despite any concerns she may have. If Ann is not comfortable raising the issue with her manager, she can also address the issue with Bloom’s Head of Quality, or she may make a report on the Bloom Energy Helpline at bloomenergy.ethicspoint.com.



“ Each of us has the authority to stop— or not start – any work activity if hazards or risks pose a threat to safety or the environment.”

92 RESPECTING THE ENVIRONMENT AND OPERATING SAFELY

Any Bloom employee involved with activities that impact safety and affect the environment, such as handling hazardous waste or measuring, recording or reporting discharges and emissions to the environment, must comply with the letter and spirit of applicable safety environmental laws, regulations and permits as well as Bloom’s safety and environmental policies. If you become aware of any violation of environmental law or any action that could cause or may appear to conceal such a violation, you should immediately report the matter to management or Bloom’s General Counsel.

FOR ADDITIONAL GUIDANCE

- [Sustainability Policy](#)
- [Environmental Policy](#)
- [Health and Safety Procedures](#)

Q&As

Where can we get more information about Bloom Energy’s environmental policies?

Contact the Bloom Energy Quality Department.

While visiting a customer site during construction, Luke noticed something that could create environmental risk. He is not sure what to do.

Luke should immediately contact the site manager and let her or him know about the issue.

We are setting up a site in a country with environmental laws and regulations – but they are never enforced. If we follow the law – our costs will skyrocket. But if we do not follow the law, no one will ever penalize us. What should we do?

Whether the laws and regulations are enforced or not, Bloom respects applicable law. If you have any further questions or concerns on this topic, please consult with your manager, the Human Resources Department or the Legal Department, or make a report on the Bloom Energy Helpline at bloomenergy.ethicspoint.com.

Community and Government Affairs

“We support the communities where we live and work, and we encourage community involvement.”

10.1 SPONSORSHIPS AND CHARITABLE CONTRIBUTIONS

We support the communities where we live and work, and we encourage community involvement. However, Bloom Energy does not sponsor events or engage in charitable contributions in exchange for business, favors or favorable treatment from third parties such as customers, government employees or suppliers. Before we can sponsor an event or provide a charitable donation to an organization seeking support, we must analyze whether there are any actual or potential conflicts of interest and obtain prior written approval from the General Counsel, as required by the Global Sponsorships and Charitable Contributions Policy. In addition, we must:

- ✓ Ensure that our outside activities do not interfere with our job performance or create a conflict of interest;
- ✓ Obtain written approval from the General Counsel before offering or committing Bloom Energy funds for charitable purposes or sponsorships;
- ✓ Verify that the Company’s charitable contributions and sponsorships comply with applicable laws;
- ✓ Not pressure others to contribute to charitable organizations or other community causes and sponsorships; and
- ✓ Not engage in a sponsorship or charitable contribution in exchange for business or because we expect a favor in return.

Q&A

A customer asked Rachel to donate to her favorite charity to honor her mother. As she is a customer, may Rachel make this contribution on behalf of Bloom and then seek reimbursement? What if she makes the contribution from her own pocket and does not seek reimbursement from Bloom?

When you interact with a customer you are assumed to be representing and acting on behalf of Bloom Energy. Therefore, Rachel must obtain prior written approval from the General Counsel before making a charitable contribution on behalf of Bloom Energy, as required by the Global Sponsorships and Charitable Contributions Policy. She cannot avoid Company policy by making the charitable contribution using her personal funds.

10.2 PERSONAL POLITICAL ACTIVITY

Bloom Energy respects and supports the rights of employees to participate in civic and political activities. When you are participating in these activities, it is important:

- ✓ To make clear that your political views and actions are your own and not those of Bloom Energy;
- ✓ That your activities are not conducted on Bloom Energy time or with Bloom Energy resources, such as telephones, computers or supplies; and
- ✓ That you do not require other employees, including administrative or other support staff, to perform tasks in support of your personal political activities.

Employees will not be reimbursed for personal political contributions.

10.3 CORPORATE POLITICAL ACTIVITY

We may not make any direct or indirect (through third parties such as advisors, agents or consultants) political contributions or expenditures on behalf of Bloom Energy or with Company funds unless permitted by applicable law and approved in writing in advance by the General Counsel and the Vice President of Global Business Development and Policy. This rule applies to any political party, candidate, campaign or public official.

Political contributions and expenditures include:

- ✓ Buying tickets for a political fundraising event;
- ✓ Loaning employees during working hours for political fundraising activities; and
- ✓ Paying for advertisements and other campaign expenses.

FOR ADDITIONAL GUIDANCE

- [Global Sponsorships and Charitable Contributions Policy](#)
- [Anti-Corruption Policy](#)
- [Gifts and Entertainment Policy](#)
- [Spending Approval Authorization Policy](#)

Q&As

Peter volunteers for an environmental conservation organization. May he tell the organization that he is contributing his time on behalf of Bloom Energy?

While Bloom encourages your community involvement, contributing your time on behalf of Bloom Energy would indicate that you represent Bloom Energy. Peter must seek prior approval from his manager to present himself as a Company representative.

The city manager of the city where Bloom Energy is seeking a permit to build an installation asked us to sponsor Earth Day. She wants USD5,000 to name Bloom as a corporate sponsor. May we proceed?

Not yet. We must first obtain written approval from the General Counsel as required by the Global Sponsorships and Charitable Contributions Policy.

10.4 LOBBYING

Bloom Energy, like many other companies, advocates for legislation we believe will enhance value for our customers, communities, employees and shareholders. In the course of those lobbying efforts, however, we will never apply, or attempt to apply, improper influence on any government agency, representative or legislator to produce an outcome favorable to Bloom Energy. While lobbying is a legitimate goal for companies, it can involve activities that may require public disclosure and very specific government reporting requirements. You may be engaged in lobbying if your work involves:

- ✓ Contact with local, state or federal legislators, senior regulatory officials, United States executive branch officials or their staff or equivalent Government Officials (as defined in Section 5.1) outside the United States;
- ✓ Efforts to influence legislative or administrative action;
- ✓ Government contract sales; or
- ✓ Offering testimony or making similar major contacts with government personnel on behalf of Bloom Energy.

You must first obtain written approval from the General Counsel and the Vice President of Global Business Development and Policy before engaging in or otherwise committing the Company to lobbying activities, whether directly or indirectly, through advisors, agents or consultants. In addition, outside the United States, all activities that might constitute lobbying or attempts to influence Government Officials as well as any contributions of support in any form directly or indirectly through third parties, such as an advisor, agent or consultant, also require prior written approval from the General Counsel and the Vice President of Global Business Development and Policy and must otherwise be in compliance with the Anti-Corruption Policy.

10.5 CAMPAIGN VISITS AT BLOOM ENERGY FACILITIES

Political campaigning is not allowed on Bloom Energy property. However, Bloom Energy may encourage public officials to make non-partisan visits to Bloom Energy facilities to better understand our offerings and our views on public policy issues. Such visits must be approved in writing in advance by the General Counsel and the Vice President of Global Business Development and Policy.

FOR ADDITIONAL GUIDANCE

- [Anti-Corruption Policy](#)

Q&As

Olivia is a volunteer for a political campaign whose headquarters is 50 miles from work. Can she stay at the office after work and use her computer to work on campaign materials?

No. While we support everyone's right to participate in the political process, Olivia must use her own resources and time for personal political activities.

Jacob recently located an expert on a new regulation that might affect our Company in a very important market. He noticed that the expert's business card indicates that he works for a government agency. Can Jacob set up a meeting with him?

Not yet. Jacob should first reach out to the Vice President of Global Business Development and Policy and the General Counsel to help him evaluate the proper next step for interacting with a Government Official.



Administration of Our Code

11.1 ADMINISTRATION, MODIFICATION AND AMENDMENT

Our Code has been approved by the Bloom Board of Directors and the Board must approve any substantive changes to our Code. The Audit Committee of the Board is responsible for overseeing the establishment of procedures for the prompt internal reporting of violations of this Code and periodically reviews our Code, which will be updated as deemed appropriate and necessary.

11.2 WAIVERS

Only the Board of Directors may waive a provision of this Code for a member of the Board or an executive officer. Only the General Counsel may waive a provision of this Code for an employee other than an executive officer. Any waiver for an executive officer or Board member will be disclosed to shareholders and others to the extent required by applicable laws, rules and regulations.

11.3 NO RIGHTS CREATED

This Code is a statement of certain basic principles, policies and procedures that govern the employees, corporate officers and directors as well as contractors of Bloom Energy and its subsidiaries in the conduct of Bloom Energy business. It is not intended to, and does not create, any rights in any employee, customer, client, supplier, competitor, shareholder or any other person or entity.

11.4 POLICIES REFERENCED

For case of use, policies referenced in this Code may be found on BE Central and Quick Links Global Code of Business Conduct and Ethics/ Policies Referenced.

CONTACT INFORMATION

12.1

Audit Committee of the Board of Directors:

audit_committee@bloomenergy.com

Bloom Energy Helpline:

bloomenergy.ethicspoint.com

Human Resources Department:

human.resources@bloomenergy.com

General Counsel/Legal Department:

compliance@bloomenergy.com

Customer Service Experience Team:

customercare@bloomenergy.com

Media and Investor inquiries:

info@bloomenergy.com

Environmental Health and Safety inquiries:

ehs@bloomenergy.com

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