



Australian Government

Department of Defence

ASDEFCON

(Services)

Incorporating:

Conditions of Tender

Draft Conditions of Contract

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Commercial.InnovationandPractice@defence.gov.au.

GENERAL INFORMATION FOR USERS

PURPOSE OF ASDEFCON (SERVICES)

1. *ASDEFCON (Services)* is a proforma Request for Tender (RFT) for use in engaging professional service providers, consultants and other contractors to provide services to Defence. By using a standard template for all acquisitions of services, the Department of Defence aims to minimise the cost of tendering and the duration of negotiations.
2. *ASDEFCON (Services)* is designed to be used for procurements that are both covered and non-covered and subject to, and exempt from, the Mandatory Procurement Procedures (MPPs) for the purposes of the *Commonwealth Procurement Guidelines – December 2008*. For information on whether a procurement is covered or subject to the MPPs, refer to the Defence Procurement Policy Manual (DPPM).

FORMAT OF ASDEFCON (SERVICES)

3. *ASDEFCON (Services)* contains the following sections:
 - a. Preliminary pages, including covering letter;
 - b. Part 1: conditions of tender - including annexes; and
 - c. Part 2: draft conditions of contract - including attachments.
4. The clauses, annexes and attachments constituting *ASDEFCON (Services)* have been divided into three categories, “Core”, “RFT Core” and “Optional”. Any condition within *ASDEFCON (Services)* described as:
 - a. “Core” must be included in all RFTs and Contracts;
 - b. “RFT Core” must be included in all RFTs but depending upon the tenderer’s response may not be required in the Contract; and
 - c. “Optional” must be included in an RFT where required for the particular project.

Drafters may tailor the standard “Core”, “RFT Core” and “Optional” provisions to the extent permitted at paragraph 11 below. All references to “Core”, “RFT Core” and “Optional” should be deleted prior to RFT release.

5. Within certain sections of *ASDEFCON (Services)* the drafter is required to choose from a number of “Options” which cover different situations. Where such “Options” are provided, each is contained within a box and drafters must delete all boxes and those “Options” that are not applicable before releasing the RFT. A brief note describing the circumstances in which an “Option” must be used precedes the clause.
6. *ASDEFCON (Services)* contains “Notes to drafters” and “Notes to tenderers”, which provide guidance during the preparation of the RFT and tender responses. All “Notes to drafters” should be deleted prior to release of the RFT to industry. All “Notes to tenderers” should be deleted prior to Contract signature.
7. The structure of *ASDEFCON (Services)* should be retained regardless of whether clauses have been modified or deleted or whether new clauses have been inserted. If “Optional” clauses in *ASDEFCON (Services)* are not applicable to the particular procurement, the narrative should be replaced with “Not Used” and the numbering sequence should be retained. If new clauses are added they should be included at the end of the most relevant section of the document. If new clauses must be inserted between existing clauses an alpha suffix (e.g. clause 4.1, 4.1.A.1, 4.2 etc) or equivalent regime should be used.
8. There are instances in the conditions of tender and draft conditions of contract where additional details are required prior to the release of the RFT to industry. These are marked in the document with **square brackets** as follows:

[...BRIEF INDICATION OF INFORMATION REQUIRED TO BE INSERTED PRIOR TO RFT RELEASE...]

There are other instances where relevant input will not be able to be finalised until after selection of the preferred tenderer. These are marked in the document with **curved brackets** as follows:

(...INSERT AMOUNT...)

DISSEMINATION OF ASDEFCON (SERVICES)

9. *ASDEFCON (Services)* can be downloaded and printed from the DEFWEB DMO Home page via the 'ASDEFCON suite of tendering and contracting templates' at the following address:

<http://intranet.defence.gov.au/dmoweb/sites/PP/comweb.asp?page=21622&Title=ASDEFCON%20Templates>

or from the DMO internet site by following the 'Contracting' link to the following address:

http://www.defence.gov.au/dmo/DMO/function.cfm?function_id=45

TAILORING OF ASDEFCON (SERVICES) CLAUSES

10. The aim of developing standard tendering and contract documents, such as *ASDEFCON (Services)*, is to standardise, to the maximum extent practicable, the structure and the terms and conditions used by Defence when acquiring goods and services. This has the benefit of minimising risk to Defence, reducing administrative costs for both Defence and the tenderers and allows Defence to adopt a standard portfolio approach to contracting for goods and services in line with best practice.
11. Wherever possible, the form of the template should be adhered to and project specific tailoring of *ASDEFCON (Services)* should be kept to a minimum. However, when tailoring is necessary, clauses should only be added, modified or deleted after seeking specialist advice from the applicable legal and/or procurement advisor in the first instance, or from the Commercial Innovation and Practice Help Desk (see paragraph 13). "Core" clauses must not be amended or deleted except on specialist advice.

COMMERCIAL INNOVATION AND PRACTICE HELP DESK

12. Drafters requiring contracting advice or assistance should approach their Group or Divisional contracting support areas in the first instance. If the relevant support officer is not known, drafters should contact the relevant Executive Director Contracting (EDCON) in their respective Contracting Services area. EDCON details are available in the functional directory at: <http://intranet.defence.gov.au/dmoweb/sites/PCB/comweb.asp?page=79152&Title=Functional%20Directory>. For advice regarding the ASDEFCON templates, including proposed updates, please contact the Commercial Innovation and Practice Helpdesk.
13. Contact details for the Commercial Innovation and Practice Help Desk are:
Commercial Innovation and Practice Help Desk
e-mail: commercial.innovationandpractice@defence.gov.au

CONFIGURATION MANAGEMENT OF ASDEFCON (SERVICES)

14. *ASDEFCON (Services)* is a dynamic document that will be amended on an "as required" basis to reflect changes in legislation, policy and procurement practices. Template users are welcome to suggest changes to the template using a Document Change Proposal (DCP) proforma. A copy of the proforma may be downloaded from the address specified at paragraph 9.
15. *ASDEFCON (Services)* will be placed under configuration management in accordance with approved configuration management principles.

RELEASE OF AMENDMENTS TO ASDEFCON (SERVICES)

16. Amendments to *ASDEFCON (Services)* will be released through the issue of a new version of the template. All new versions of the template will be issued on the DEFWEB and internet sites listed in paragraph 9.



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FOREWORD

ASDEFCON (Services) is designed to be used to engage consultants, professional service providers and other contractors to provide services to Defence and DMO (where this is required to be done outside of the DMOSS Panel arrangements). The template is to be used where the services to be procured are low to medium risk services which may be categorised as Complex Procurements, of short to medium duration. Where the services to be procured are low risk or low value services, which may be categorised as Simple Procurement, ASDEFCON Shortform Services should be used.

Defence and DMO maintain a process of continuous improvement to the ASDEFCON suite of tendering and contracting templates to provide a best-practice procurement environment to ensure Defence contractors are able to deliver on time, on budget and to the required quality, safety and capability. The document is intended to reduce the time and effort taken by Defence and DMO personnel and potential tenderers when tendering and contracting with Defence and DMO.

Future changes to ASDEFCON (Services) will be released through the issue of new versions of the template and Departmental Procurement Policy Instructions on an 'as required' basis. This process will ensure the template remains current with legislation, policy and commercial practices.

Suggestions for changes to the document are welcomed and should be submitted in the form of a Document Change Proposal referred to in the General Information for Users section.

I trust you find ASDEFCON (Services) useful for your contracting needs.

A handwritten signature in black ink, appearing to read 'Harry Dunstall', written over a large, faint circular watermark or background mark.

Harry Dunstall

General Manager Commercial