



Australian Government

Department of Defence

Commercial Innovation and Practice Directorate
Commercial Policy and Practice Branch
Office of Special Counsel
Commercial Group
Defence Materiel Organisation

ASDEFCON (Support) V3.0

Incorporating:

Conditions of tender

Draft conditions of contract

Draft Statement of Work

Released 1 July 2011

Note to External Agencies

External agencies intending to use this template will need to tailor it in order to meet their specific procurement requirements (including relevant internal guidance) and should seek appropriate professional guidance as required.

Disclaimer

While every effort has been made to ensure this publication is accurate and up-to-date, any external user should exercise independent skill and judgement before relying on it. Further, this publication is not a substitute for independent professional advice and users external to Defence and DMO should obtain appropriate advice relevant to their particular circumstances.

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This publication should be attributed as *ASDEFCON (Support) V3.0*.

Use of the Coat of Arms

The terms under which the Coat of Arms can be used are detailed on the [It's an Honour](#) website.

Feedback

All feedback on this publication and suggestions for improvement should be sent to: commercial.innovationandpractice@defence.gov.au

Amendment Record

Version	Release and Currency	Description of Amendments
V3.0	1 July 2011	Productivity and Performance Based Contracting update



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FOREWORD

ASDEFCON (Support) is designed for the provision of support services for Defence materiel capabilities.

ASDEFCON (Support) has been developed for use in the Maritime, Land, Aerospace and Electronic support environments. To meet the varying complexities that apply in the support environments the template, especially the Statement of Work, has been designed for tailoring.

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 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 (Support) 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 procurement practices.

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

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

Harry Dunstall
General Manager Commercial

GENERAL INFORMATION FOR USERS

USE OF ASDEFCON (SUPPORT)

1. *ASDEFCON (Support)* is a proforma Request For Tender (RFT) for use in the procurement of services for Defence materiel capabilities. *ASDEFCON (Support)* has been developed for use in the Maritime, Land, Aerospace and Electronic support environments. By using a standard template for all support requirements, the Department of Defence aims to minimise the cost of tendering and the duration of negotiations.
2. *ASDEFCON (Support)* is designed to be used for procurements that are both covered and non-covered for the purposes of the Commonwealth Procurement Guidelines – December 2008. For information on whether a procurement is covered see the Defence Procurement Policy Manual (DPPM). The version of the DPPM referred to throughout *ASDEFCON (Support)* is referenced in the Glossary at Attachment M to the draft conditions of contract.

STRUCTURE AND FORMAT OF ASDEFCON (SUPPORT)

3. *ASDEFCON (Support)* contains the following sections, which are also depicted in the attached flow chart:
 - a. Preliminary pages;
 - b. Covering Letter;
 - c. Part 1: Conditions of Tender – including Annexes;
 - d. Part 2: Draft Conditions of Contract – including Attachments; and
 - e. Part 3: Draft Statement of Work – including Annexes, a Contract Service Requirements List, a Contract Data Requirements List and the Tailoring Guide.

Template users should also note the *ASDEFCON (Support)* Asset Library which can be accessed via the DEFWEB and internet sites listed at paragraph 19. The Asset Library consists of Data Item Descriptions (DIDs) and Detailed Services Descriptions (DSDs).

4. The clauses, Annexes and Attachments constituting *ASDEFCON (Support)* have been divided into three categories: “Core”; “RFT Core”; and “Optional”. Any provision within *ASDEFCON (Support)* 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 if required for the particular project requirements.

Drafters may tailor the standard “Core”, “RFT Core” and “Optional” provisions to the extent permitted at paragraphs 10, 11 and 12 below. All references to “Core”, “RFT Core” and “Optional” should be deleted prior to RFT release. Additional guidance on categorisation of clauses contained in the Statement of Work (SOW) is included in the SOW Tailoring Guide.

5. The structure of *ASDEFCON (Support)* should be retained regardless of whether clauses have been modified or deleted or whether new clauses have been inserted.
6. If “Optional” clauses in *ASDEFCON (Support)* 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.
7. *ASDEFCON (Support)* also contains “Options” within clauses where the drafter is required to choose from two or more alternatives. A brief note describing the circumstances in which an ‘Option’ must be used precedes the clause. “Options” not selected for use should be deleted in their entirety prior to RFT release and the narrative replaced with “Not Used”.
8. *ASDEFCON (Support)* 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.

9. 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...)

TAILORING OF ASDEFCON (SUPPORT) CLAUSES

10. The aim of developing standard tendering and contract documents, such as *ASDEFCON (Support)*, 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 reducing administrative costs for both Defence and tenderers and allows Defence to adopt a standard portfolio approach to contracting for goods and services in line with best practice.
11. Tenders should be prepared in consultation with the relevant Contracting Officer. Users should also consult the *ASDEFCON (Support) Handbook* which provides guidance against all parts of the template.
12. Wherever possible, the form of the template should be adhered to and project specific tailoring of *ASDEFCON (Support)* 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 Contracting Services advisor in the first instance (see paragraph 17) or from the Commercial Innovation and Practice Branch Help Desk (see paragraph 18). “Core” clauses must not be amended or deleted except on specialist advice.

REPORTING OF VARIATIONS IN THE USE OF THE ASDEFCON SUITE

13. Prior to an RFT based on *ASDEFCON (Support)* being submitted to the Project Director for approval (or where no Project Director exists, to the delegate approving the RFT) the Matrix of Changes at Attachment A to the covering letter of the RFT must be completed. The aim of the Matrix of Changes is to facilitate the internal review process and provide notification to industry of areas that vary from the standard *ASDEFCON (Support)*.
14. The Project Director or delegate approving any resultant contract is also responsible for preparing a summary of any significant differences between the final negotiated contract, the preferred tenderer's tender and the RFT as released, including details of the main areas of concern raised during negotiations.

CHANGES TO ASDEFCON (SUPPORT)

15. *ASDEFCON (Support)* is a dynamic document that will be amended on an ‘as required’ basis to reflect changes in legislation, policy and procurement practices. Amendments to *ASDEFCON (Support)* will be communicated through Defence Procurement Policy Instructions.
16. Template users are also welcome to suggest changes to the template by using a Document Change Proposal proforma. A copy of the form can be downloaded from the addresses specified at paragraph 19.

COMMERCIAL INNOVATION AND PRACTICE HELP DESK

17. Drafters requiring contracting advice or assistance 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>

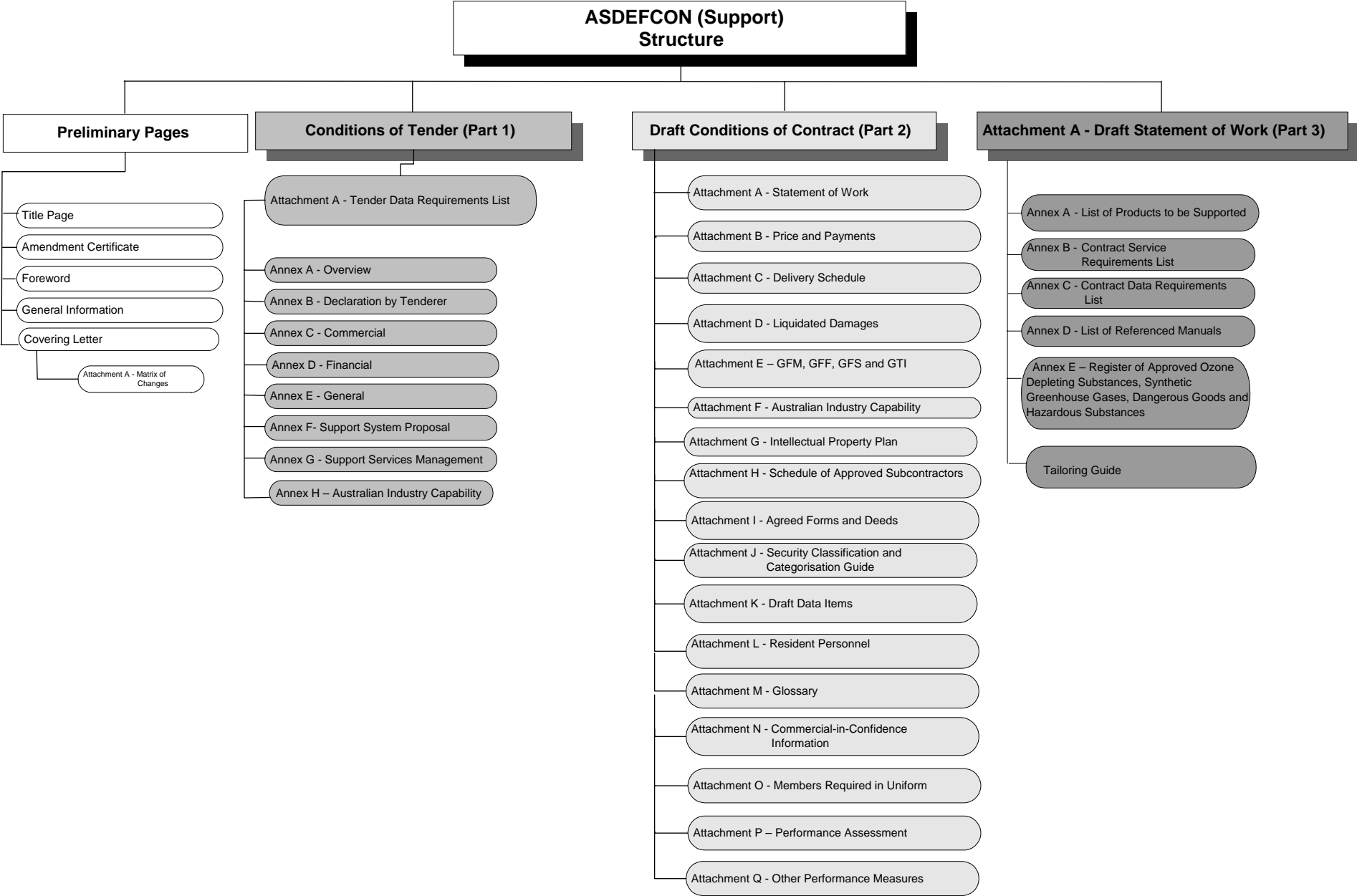
18. For Commercial Innovation and Practice advice, including proposed updates to or advice regarding the ASDEFCON templates, please email:
commercial.innovationandpractice@defence.gov.au

DISSEMINATION OF ASDEFCON (SUPPORT)

19. *ASDEFCON (Support)* 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 N%20Templates](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

ASDEFCON (SUPPORT) TRAINING

20. Training on the use of *ASDEFCON (Support)* has been developed, and is delivered via a four day *ASDEFCON (Support)* practitioners course. The course is designed to assist projects in the preparation of their RFT documentation. The availability of the course may vary from time to time.
21. Users of *ASDEFCON (Support)* are strongly encouraged to undergo the training as early as possible in the RFT preparation process. Experience has shown that the course saves time and a better product is developed. The course may be tailored to the specific requirements of the procurement and meetings between users and the training providers may be required prior to undertaking the training.
22. For details on *ASDEFCON (Support)* training and other ASDEFCON training, including associated costs, please contact the Commercial Professionalisation Help Desk (email commercial.professionalisation@defence.gov.au).





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Department of Defence

[...INSERT DEFENCE GROUP...]
[...INSERT DIVISION...]
[...INSERT ADDRESS...]
[...INSERT CONTACT DETAILS...]

[...INSERT TENDERER'S ADDRESS...]

You are invited to submit a tender in response to RFT [...INSERT RFT NUMBER...] to provide [...INSERT DESCRIPTION OF SERVICES...].

[...INSERT BACKGROUND AND PROJECT PHASE INFORMATION...]

This RFT has been prepared using the *ASDEFCON (Support)* template. A list of clauses that deviate from *ASDEFCON (Support)* is contained in Attachment A to this letter. While all care is taken by the Commonwealth in the preparation of Attachment A, tenderers should note the operation of clauses 2.1.3a and b of the conditions of tender and should not rely on the information provided in Attachment A to this letter.

Tenders must be submitted by the Tender Closing Time specified in clause 3.1 of the conditions of tender. Any questions in relation to this RFT must be directed to the Contact Officer specified in clause 2.5 of the conditions of tender.

Option: For when classified material forms part of the RFT.

The following documents forming part of this RFT are classified as follows:

[...DRAFTER TO INSERT LIST OF RELEVANT DOCUMENTS AND THEIR CLASSIFICATION PRIOR TO RFT RELEASE...].

Separate provisions for receipt of or access to classified material will be made. Application to receive or view the documents is to be made in writing to the Contact Officer specified in clause 2.5 of the conditions of tender.

The proposed schedule for evaluation and negotiation is:

[...INSERT RELEVANT PROJECT DATES...]

Tenderers should note that the above schedule is subject to change at any time and is not to be relied on by tenderers.

Yours sincerely

[...INSERT RELEVANT SIGNATORY...]

[...INSERT DATE...]

Attachments:

- A. Matrix of Changes

ATTACHMENT A

MATRIX OF CHANGES

Note to drafters: Drafters must complete the matrix of changes prior to submission of the RFT to the Project Director or to the delegate approving the RFT. The Project Director or delegate approving the RFT is responsible for ensuring that, wherever possible, the form of the template is adhered to and project specific tailoring of the RFT is kept to a minimum. This will help reduce the cost of tendering.

Amended/New Clause No.	Other clauses affected by the amendment	Details of Change