

GENERAL INFORMATION FOR USERS

USE OF ASDEFCON (COMPLEX MATERIEL)

1. *ASDEFCON (Complex Materiel)* is for use when undertaking complex acquisitions of equipment and supplies. By using a standard template for all complex materiel acquisitions, the Department of Defence aims to minimise the cost of tendering and the duration of negotiations.
2. *ASDEFCON (Complex Materiel)* consists of two volumes:

Volume 2 is the standard template and is aimed for use in medium to high risk procurements which do not justify the use of *ASDEFCON (Strategic Materiel)*; and

Volume 1 has been developed as the shortform version of the standard template and is aimed for use in low-to-medium risk complex procurements where the supplies being acquired are Commercial-Off-The-Shelf or Military-Off-The-Shelf items and require minimal or no design, development or integration activities.
3. *Drafters must be careful when opting to use ASDEFCON (Complex Materiel) that the acquisition requirements fall within the complex materiel category as defined in the Defence Procurement Policy Manual (DPPM). The version of the DPPM referred to throughout ASDEFCON (Complex Materiel) Volume 1 is referenced in the Glossary at Attachment H to the draft conditions of contract, and throughout ASDEFCON (Complex Materiel) Volume 2 is referenced in the Glossary at Attachment M to the draft conditions of contract.*
4. *ASDEFCON (Complex Materiel)* is designed for procurements that are both covered and non-covered for the purposes of the *Commonwealth Procurement Guidelines*. For information on whether a procurement is covered refer to the DPPM.

STRUCTURE AND FORMAT OF ASDEFCON (COMPLEX MATERIEL)

5. Each volume of *ASDEFCON (Complex Materiel)* contains the following sections, which are also depicted in the attached flowcharts:
 - 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.
6. Template users should also note the *ASDEFCON (Complex Materiel)* Asset Library that can be accessed via the DEFWEB and internet sites listed in paragraph 24. The *ASDEFCON (Complex Materiel)* Asset Library consists of Data Item Descriptions (DIDs) specifically designed for use with *ASDEFCON (Complex Materiel)* Volume 2 in addition to the use of many of the standard DIDs from the *ASDEFCON (Strategic Materiel)* Asset Library.
7. The clauses, annexes and attachments constituting *ASDEFCON (Complex Materiel)* have been divided into three categories, "Core", "RFT Core" and "Optional". Any provision within *ASDEFCON (Complex Materiel)* 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 a 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 15-16 below. All references to "Core", "RFT Core" and "Optional" should be deleted prior to RFT release.
8. The structure of *ASDEFCON (Complex Materiel)* should be retained regardless of whether clauses have been modified or deleted or whether new clauses have been inserted.

9. If "Optional" clauses in *ASDEFCON (Complex Materiel)* are not applicable to the particular purchase, 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.
10. *ASDEFCON (Complex Materiel)* 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".
11. *ASDEFCON (Complex Materiel)* contains notes to drafters and 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.**
12. 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 as follows:

[...BRIEF INDICATION OF INFORMATION REQUIRED TO BE INSERTED PRIOR TO RFT RELEASE...] i.e. square brackets.

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 as follows:

(...INSERT AMOUNT...) i.e. curved rather than square brackets.

CONTRACTING ASSISTANCE

13. Drafters will also have access to a Help Desk facility that has been established to provide advice on contracting and technical matters relating to the drafting of a RFT using *ASDEFCON (Complex Materiel)*. Contact details for the Contracting Help Desk can be found at para 23.
14. Users who require advice on *ASDEFCON (Complex Materiel)* may also refer to the Procurement and Contracting Branch intranet website (link has been provided in para 24).

TAILORING OF ASDEFCON (COMPLEX MATERIEL) CLAUSES

15. The aim of developing standard tendering and contract documents, such as *ASDEFCON (Complex Materiel)*, is to standardise, to the maximum extent practicable, the structure, language, and provisions used by Defence when acquiring supplies. 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 supplies in line with best practice.
16. Wherever possible, the form of the template should be adhered to, and project specific tailoring of *ASDEFCON (Complex Materiel)* should be kept to a minimum. However, when tailoring is necessary, clauses should only be added, modified or deleted after seeking legal advice from DMO Legal.

REPORTING OF VARIATIONS AND EXPERIENCE IN THE USE OF THE ASDEFCON SUITE – APPLICABLE TO VOLUME 2 ONLY

17. Prior to a RFT based on *ASDEFCON (Complex Materiel)* Volume 2 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 (Complex Materiel)* Volume 2.
18. 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.

19. The Project Director or delegate approving any resultant contract is then responsible for ensuring that the completed Matrix of Changes, documenting changes from template to RFT, as well as the summary of significant differences between the RFT and the final negotiated contract, is provided to Procurement and Contracting Branch. These documents should be provided through the Contracting Help Desk.
20. Collectively this information will provide feedback on the use of ASDEFCON templates and ensure that the suite is subject to continuous improvement and that it reflects best practice.

CHANGES TO ASDEFCON (COMPLEX MATERIEL)

21. *ASDEFCON (Complex Materiel)* 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 also welcome to suggest changes to the template by using a Document Change Proposal (DCP) form. A copy of the form can be downloaded from the addresses specified at paragraph 24.
22. Changes to *ASDEFCON (Complex Materiel)* will be released through the issue of a new version of the template. All new versions will be issued on the DEFWEB and internet at the sites listed in paragraph 24. Changes to the *ASDEFCON (Complex Materiel)* or *ASDEFCON (Strategic Materiel)* Asset Library will also be released on these sites.

CONTRACTING HELP DESK

23. Contact details for the Contracting Help Desk are:
 - Contracting Help Desk
 - Ph: 1800 100 605
 - e-mail: contracting@defence.gov.au

DISSEMINATION OF ASDEFCON (COMPLEX MATERIEL)

24. *ASDEFCON (Complex Materiel)* can be downloaded from the DEFWEB via the Procurement and Contracting Branch link on the DMO homepage at the following address:
<http://intranet.defence.gov.au/dmoweb/sites/pcb/comweb.asp?page=Home>
or from the internet via the ‘Contracting’ link on the DMO homepage at the following address:
<http://www.defence.gov.au/dmo>.

ASDEFCON (Complex Materiel) and its associated handbook are no longer available in hardcopy.