

AMENDMENT INSTRUCTIONS
ASDEFCON (STRATEGIC MATERIEL)

Matrix of Changes V2.3

Part	Title	Original Clause or Section	Change Type	Details
		Global	Modify	To reformat to DMO Styles. To correct punctuation, grammar and update references (eg, DI(G) LOG 4-3-014, CPGs, IP policy, AIC policy, Contract Publication policy, MILIS).
Covering Letter	Matrix of Changes		Modify	To update Note to Drafters.
Part 1 draft conditions of tender	Australian Government Requirements	1.7	Delete	To delete reference to FOI policy in the DPPM as the DPPM no longer summarises the application of the FOI Act. To delete reference to Industry Capability Network policy as the requirement to market test local industry is not limited to utilising the ICN.
Part 1 draft conditions of tender	Public Announcements	1.8	Add	To insert a requirement for tenderers to consult with the RFT Contact Officer before making public statements related to the RFT.
Part 1 draft conditions of tender	Lodgment of Tenders	3.1	Modify/Add	To clarify lodgement time and application of Late Tenders policy, and to clarify marking of tender package.
Part 1 draft conditions of tender	Substitution of Tenderer	4.11.1	Modify	To update clause cross-reference to draft conditions of contract as a result of reformat to DMO Styles.
Part 1 draft conditions of tender	Cost Investigation of Tenders	5.2.4e	Add	To allow investigation of the cost of meeting Industry Requirements.
Part 1 draft conditions of tender	Tender Evaluation	5.4.3	Modify	To indicate that compliance with the conditions of tender is essential.
Part 1 draft conditions of tender	Tender Evaluation Criteria	6.1e	Delete	To delete reference to Workforce Development proposal and Workforce Development planning in accordance with updated Industry policy.
Part 1 draft conditions of tender	Tender Evaluation Criteria	6.1j	Modify	To include consideration of life-cycle cost-benefits from achieving Industry Requirements.
Part 1 draft conditions of tender	Tender Evaluation Criteria	6.1k	Modify	To include consideration of future commercial opportunities from achieving Industry Requirements.

Part 1 draft conditions of tender	Annex A to Attachment A – Summary	2.2	Modify	To update AIC requirements. Defence Industry Recognition Scheme no longer exists and SIDAs are no longer referred to in Industry Policy.
Part 1 draft conditions of tender	Annex A to Attachment A – Summary	4	Modify	To clarify the operation of the Statement of Compliance.
Part 1 draft conditions of tender Annexes	Annex C to Attachment A – Commercial	2	Modify	To update requirements to align with the new Defence Liability Risk Management Process.
Part 1 draft conditions of tender Annexes	Annex E to Attachment A – Project Management	3.2e	Add	To make the draft CMS requirements consistent with the draft CWBS requirements in clause 2.2 of the same Annex.
Part 1 draft conditions of tender Annexes	Annex E to Attachment A – Project Management	5	Delete	To delete reference to Workforce Development proposal in accordance with updated Industry policy.
Part 1 draft conditions of tender Annexes	Annex H to Attachment A – Australian Industry Capability		Modify	To update to reflect current AIC policy.
Part 2 draft conditions of contract	Commonwealth Representative	2.1.6	Modify	To clarify that “reasonable directions” in clause 2.1.4 relate to “administration of the Contract”.
Part 2 draft conditions of contract	Contractor’s Representative	2.2	Modify	To ensure clause is consistent with clause 2.3.
Part 2 draft conditions of contract	Notices	2.3.2	Modify	To simplify drafting.
Part 2 draft conditions of contract	Imported Supplies and Customs Entry	3.4.3	Modify	To simplify drafting.
Part 2 draft conditions of contract	Provision and Management of GFM	3.5.11	Modify	To clarify application of clause to subcontractors.
Part 2 draft conditions of contract	Key Persons	3.8.11	Modify	To update clause cross-reference to termination for default clause as a result of reformat to DMO Styles.
Part 2 draft conditions of contract	Australian Industry Capability	4	Modify	To update to reflect current AIC policy and to correct a drafting error in clause 4.1.5a.
Part 2 draft conditions of contract	Schedule Recovery	6.4.11	Modify	To update clause cross-reference to termination for default clause as a result of reformat to DMO Styles.
Part 2 draft conditions of contract	Final Acceptance	6.8.4	Modify	To remove some unnecessary wording.
Part 2 draft conditions of contract	Milestone Payments	7.2	Modify	To clarify the payment date.

Part 2 draft conditions of contract	Mobilisation Payment	7.5	Modify	To correct clause cross-reference to termination for default clause and to clarify and simplify drafting.
Part 2 draft conditions of contract	Deed of Substitution and Indemnity	7.8.4	Modify	To update clause cross-reference to termination for default clause as a result of reformat to DMO Styles and to correct reference to "Substituted Contractor".
Part 2 draft conditions of contract	Cost Reimbursement	7.9.14	Modify	To update clause cross-reference to termination for default clause as a result of reformat to DMO Styles.
Part 2 draft conditions of contract	Failure to Achieve Stop Payment Milestones	7.11.2	Modify	To correct clause cross-reference to termination for default clause.
Part 2 draft conditions of contract	Limitation of Liability	8.5	Add	To add a Note to Drafters and Note to Tenderers to align with the new Defence Liability Risk Management Process.
Part 2 draft conditions of contract	Insurance	8.6	Add	To add a Note to Drafters indicating the need to ensure the insurance requirements of the GFF Licence are captured in clause 8.6 of the Contract.
Part 2 draft conditions of contract	Conditions as to Disclosure by the Contractor	10.2.3	Modify	To update clause cross-reference to termination for default clause as a result of reformat to DMO Styles.
Part 2 draft conditions of contract	Commonwealth Access	10.7.2	Add	To include access in order to monitor Contractor OHS compliance.
Part 2 draft conditions of contract	Defence Security	10.10.14	Modify	To update clause cross-reference to termination for default clause as a result of reformat to DMO Styles.
Part 2 draft conditions of contract	Post Defence Separation Employment	10.11	Modify	To change the reference from "DRB19" to "Defence Workplace Relations Manual".
Part 2 draft conditions of contract	Policy Requirements	11.3	Delete	To delete reference to FOI policy in the DPPM as the DPPM no longer summarises the application of the FOI Act. To delete reference to Industry Capability Network policy as the requirement to market test local industry is not limited to utilising the ICN.
Part 2 draft conditions of contract	Public Announcements	11.8	Add	To insert a requirement for the Contractor to consult with the Commonwealth Representative before making public statements related to the Contract.
Part 2 draft conditions of contract	Contractor Default	12.2	Modify	To update clause cross-references as a result of reformat to DMO Styles.
Part 2 draft conditions of contract	Survivorship	12.5	Modify	Inserted missing 'close bracket'.
Part 2 draft conditions of contract Attachments	Annex H to Attachment B – Cost Reimbursement	3	Modify	To clarify drafting.

Part 2 draft conditions of contract Attachments	Attachment D – Liquidated Damages	2 and 3	Modify	To update to reflect current AIC policy and to correct cross-reference.
Part 2 draft conditions of contract Attachments	Annex D to Attachment I – GFF Licence Deed		Add	To add a Note to Drafters indicating the necessity to obtain approval under the <i>Lands Acquisition Act 1989</i> prior to entering into the GFF Licence and the Contract.
Part 2 draft conditions of contract Attachments	Attachment M – Acronyms And Abbreviations	1	Delete/Add/Modify	The following acronyms have been removed: SDSS, SIDA, WDP. The following acronyms have been inserted: CASP, CASR, CR, HSIS, IR, MILIS, MSDS. The following acronym has been amended: PLIC.
Part 2 draft conditions of contract Attachments	Attachment M – Definitions	3	Delete/Add/Modify	The following definitions have been removed: AIC Requirements, Local Content, Strategic Industry Development Activity, Workforce Development, Workforce Development Threshold. The following definition has been inserted: Allocated Baseline, Assets Register, Certification Basis, Certification Basis Description, Configuration Control Board, Engineering Change Proposal, Industry Requirements, Issue, Issue Register, Major Change, Minor Change, Obsolescence, Obsolescent, Obsolete, Product Baseline, Quality Management System, Technical Regulatory Authority, Technical Regulatory Framework. The following definitions have been modified: Approval, Certification, Commonwealth Representative, Configuration Audit, Configuration Management, Defence Purposes, Employee, Functional Baseline, Imported Content, Latent Defect, Local Industry Activity, Maintenance, Packaging, Personnel, PLIC requirements, PSIC requirements, Review, Surveillance, Validation, Working Day.
Part 2 draft conditions of contract Attachments	Attachment M – Referenced Documents	4	Delete/Add/Modify	The following referenced documents have been inserted: Defence and Industry Policy Statement 2007, Defence Safety Manual, Defence Workplace Relations Manual, Doing Business with Defence 2007, <i>National Measurement Act 1960</i> . The following referenced document has been deleted: Australian Communications Security Instruction 53. The following referenced documents have been modified: AIC Manual, Defence Company Scorecard Policy Statement, DI(G)LOG 4-3-014.

Part 3 draft Statement of Work		Global	Modify	To correct the incorrect capitalisation of the term 'facilities' in a number of instances throughout. In the Glossary the defined term only relates to those facilities that are part of the Materiel System. To capitalise the term "approved" in a number of instances as it is a defined term.
Part 3 draft Statement of Work	Data Item Approval	2.4.4.9	Modify	To clarify interrelation with 2.4.8.
Part 3 draft Statement of Work	Actioning of Data Items	2.4.8.3	Modify	To insert a missing clause cross-reference.
Part 3 draft Statement of Work	Risk Management	3.6	Modify	To correct reference from 'project' risks to 'Contract' risks.
Part 3 draft Statement of Work	Issue Management	3.7	Modify	To improve Issue management requirements.
Part 3 draft Statement of Work	Extraordinary Meetings	3.9.2	Modify	To clarify the intended meaning.
Part 3 draft Statement of Work	Australian Industry Capability Management	3.14	Modify/Add	To update to reflect current AIC policy and to flow down AIC performance review requirement to Approved Subcontractors.
Part 3 draft Statement of Work	Workforce Development	3.18	Delete	To delete Workforce Development clause in accordance with updated Industry policy.
Part 3 draft Statement of Work	Business Resource Planning	3.19	Modify	To renumber clause to 3.18.
Part 3 draft Statement of Work	Stocktaking of Contractor Managed Commonwealth Assets	3.20	Modify	To renumber clause to 3.19 and to update references.
Part 3 draft Statement of Work	Authorised/Accredited Engineering Organisation	4.1.3	Modify	To update the 'Note to drafters' to indicate that the applicable Technical Regulatory reference provides the authoritative guidance on whether AEO is required.
Part 3 draft Statement of Work	Mandated System Reviews	5.1.2.2	Modify	To clarify the intended meaning.
Part 3 draft Statement of Work	Configuration Control	6.5	Modify	To remove ambiguity associated with terminology.
Part 3 draft Statement of Work Annexes	Annex C to Attachment A – Contract Data Requirements List	6.2	Modify	To update clause cross-reference as a result of reformat to DMO Styles.

Part 3 draft Statement of Work Annexes	Annex C to Attachment A – Contract Data Requirements List	7	Modify	To clarify frequency of submittal of AIC Progress Reports.
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Matrix of Changes V2.2

Part	Title	Original Clause or Section	Change Type	Details
		Global	Modify	<ul style="list-style-type: none"> to update weblinks and references (eg, CPGs, IP Policy); and to correct errors (eg, punctuation, spelling).
Part 1 draft conditions of tender	Annex B to Attachment A – Declaration by Tenderer	1.1	Add	To oblige tenderers to inform Defence: <ul style="list-style-type: none"> where their Supplies contain asbestos; and that the tenderer has no judicial decisions against it (excluding decisions under appeal) relating to unpaid employee entitlements.
Part 2 draft conditions of contract	Subcontracts	10.9.8	Modify	To ensure Subcontractor participation in a Contract can be publicly disclosed.
Part 2 draft conditions of contract	Resolution of Disputes	12.1	Add	To insert an option for alternative dispute resolution under the ACICA Arbitration Rules.
Part 2 draft conditions of contract Attachments	Annex N to Attachment I – Deed of Novation		Modify	To remove the Watermark “DRAFT” for consistency with the other Deeds.

Matrix of Changes V2.1

Part	Title	Original Clause or Section	Change Type	Details
		Global	modify	<ul style="list-style-type: none"> to implement changes to policy (eg, AIC policy under DIPS 2007, ANAO access, Defence stocktaking policy); to use terminology consistently across the template; to reflect revised administrative and contract management arrangements; and to fix errors (eg, cross-referencing errors) and to improve clarity.

Part	Title	Original Clause or Section	Change Type	Details
Part 1 draft conditions of tender	Australian Government Requirements	1.7.1	Add	To include reference to the Defence Stocktaking Policy, as detailed in DI(G) LOG 07-15.
Part 1 draft conditions of tender	Australian Government Requirements	1.7.3	Add	To highlight the requirement for a contractor to provide access to its records and accounts to Defence for ANAO audits.
Part 1 draft conditions of tender	Tenderers to Inform Themselves	2.1.3	Modify/Add	To make the tenderer aware they will need to seek advice on the impact of the <i>Auditor-General Act 1997</i> .
Part 1 draft conditions of tender	Lodgement of Tenders	3.1.2	Modify	To clarify the intended meaning.
Part 1 draft conditions of tender	Commercial-in-Confidence Information	4 and globally	Modify	Commercial-in-Confidence changed to Commercial-in- Confidence <u>Information</u> . This was done in order to clarify the intended meaning.
Part 1 draft conditions of tender	Use of Former Defence Personnel in Tender Preparation and Process	4.5	Modify	To improve clarity.
Part 1 draft conditions of tender	Tender Evaluation Criteria	6	Modify	To include AIC changes resulting from the Defence & Industry Policy Statement 2007.
Part 1 TDRL and Annexes to the draft conditions of tender	Annex A to Attachment A	2.2, 3 and Table 1	Modify	To include AIC changes resulting from the Defence & Industry Policy Statement 2007.
Part 1 TDRL and Annexes to the draft conditions of tender	Annex H to Attachment A – Australian Industry Capability		Modify	Amended to include AIC changes resulting from the Defence & Industry Policy Statement 2007.
Part 2 draft conditions of contract	Provision and Management of GFM and GFM Ownership and Restrictions	3.5 and 3.6 and 3.9	Modify and Add	revision of GFM clauses and inclusion of new CMCA clauses to implement Defence Stocktaking requirements in accordance with DI(G) LOG 07-15.
Part 2 draft conditions of contract	Key Persons	3.8.1	Modify	To remove the list of Specified Persons from Attachment O, relying instead on the Key Persons as set out in the PMP.
Part 2 draft conditions of contract	Australian Industry Capability	4	Modify	Amended to include AIC changes resulting from the Defence & Industry Policy Statement 2007.
Part 2 draft conditions of contract	Moral Rights	5.9	Add	To clarify the requirement.
Part 2 draft conditions of contract	Property Damage and Public Risk	8.2.1	Modify	To reflect new Defence policy on Contractor Managed Commonwealth Assets.

Part	Title	Original Clause or Section	Change Type	Details
Part 2 draft conditions of contract	Limitation of Liability	8.5	Modify	To clarify the requirement and to reflect new Defence policy on Contractor Managed Commonwealth Assets and updated Commonwealth policy.
Part 2 draft conditions of contract	Insurance	8.6.5	Modify	To clarify the requirement.
Part 2 draft conditions of contract	Privacy Indemnity	8.7	Add	To reflect Commonwealth position on privacy.
Part 2 draft conditions of contract	Warranty	9.2.3	Delete	Deletion of the term 'normal use' to remove ambiguity.
Part 2 draft conditions of contract	Commonwealth Access	10.7	Modify	To ensure that the Commonwealth secures access rights to satisfy both Defence stocktaking policy requirements as per DI (G) LOG 07-15 and the <i>Auditor-General Act 1997</i> .
Part 2 draft conditions of contract	Subcontracts	10.9.3	Modify	Amended to include AIC changes resulting from the Defence & Industry Policy Statement 2007.
Part 2 draft conditions of contract	Policy Requirements	11.3.1	Add	To require compliance with Defence Stocktaking policy.
Part 2 draft conditions of contract	Environmental Obligations	11.5	Add	To highlight environmental obligations of the Contractor, including compliance with the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (for consistency with ASDEFCON (Support)).
Part 2 draft conditions of contract	Privacy	11.7.1-11.7.3	Add	To satisfy the requirements of the <i>Privacy Act 1988</i> .
Part 2 draft conditions of contract	General Termination Provisions	12.2.4.1	Modify	Reference to GFM has been replaced by CMCA.
Part 2 draft conditions of contract Attachments	Annex C to Attachment B – Schedule of Milestone Entry and Exit Criteria	1.1	Add	To redefine IBR as a mandated system review and to provide for System Acceptance Audits (SAA) to be carried out as part of System Acceptance
Part 2 draft conditions of contract Attachments	Attachment C – Delivery Schedule	Table 2	Add	More detail has been added to existing milestones to ensure that a consistent framework for SAA is adopted in DMO contracting.
Part 2 draft conditions of contract Attachments	Attachment C – Delivery Schedule		Modify	Amended to include AIC changes resulting from the Defence & Industry Policy Statement 2007.
Part 2 draft conditions of contract Attachments	Attachment D - Liquidated Damages		Modify	Amended to include AIC changes resulting from the Defence & Industry Policy Statement 2007.

Part	Title	Original Clause or Section	Change Type	Details
Part 2 draft conditions of contract Attachments	Attachment E – GFM		Modify	The GFM and GFF tables have been amended to promote consistent GFM and GFF management in DMO contracting.
Part 2 draft conditions of contract Attachments	Attachment F – Australian Industry Capability		Modify	Amended to include AIC changes resulting from the Defence & Industry Policy Statement 2007.
Part 2 draft conditions of contract Attachments	Attachment H – Schedule of Approved Subcontractors		Modify	Amended to include AIC changes resulting from the Defence & Industry Policy Statement 2007.
Part 2 draft conditions of contract Attachments	Annex A to Attachment I – Approved Subcontractor IP Deed – Indemnity	2.7	Modify	To align with the revision to COC clause 5.9.
Part 2 draft conditions of contract Attachments	Attachment M – Glossary	1	Add	The acronyms CMCA, COC, CPGs, CSR, DAL, DMO, DMS, DPPM, E3, FOC, HIS, IETP, IOC, LCCA, MSR, OC2, OC3, SSDDR, TD & TSP, along with their descriptions have been added to the table of acronyms.
Part 2 draft conditions of contract Attachments	Attachment M – Acronyms and Abbreviations	Table	Modify	The following acronyms removed: CR, AII, CALS. The following acronyms inserted: AIC, CRP, CPGs, CMCA, COC, CSR, DAL, DMO, DMS, DPPM, E3, MSR, OC2, OC3, PLIC, PSIC, SCMP, SSDDR, TD, TSP, WDP.
Part 2 draft conditions of contract Attachments	Attachment M – Definitions	2 and 3	Add	The following new definitions were added to the table: Annex, Attachment, Tender Closing Time, Tender Data Requirements List, Agency, Approved Privacy Code, Australian Industry Capability Plan, Australian Industry Capability Requirements, Priority Local Industry Capability Requirements, Project Specific Industry Capability Requirements, Capability State, Capability System, Conditions of Contract, Contractor Managed Commonwealth Assets, Data Management System, DMO Checklist, Engineering Information System, Failure Severity, Final Operational Capability, Information Privacy Principle, Initial Operational Capability, Long Lead Time Item, National Privacy Principle, Operational Capability – State 2, Personal Information, Problem Resolution System, Technical Performance Measure and Workforce Development Threshold.

Part	Title	Original Clause or Section	Change Type	Details
Part 2 draft conditions of contract Attachments	Attachment M – Definitions	2 and 3	Modify	The following definitions have been changed to make them more accurate and/ or to clarify their meanings: Acceptance, Attachment, Configuration Identification, Configuration Item, Configuration Management, Consumable, Contract (Support), Contract Change Proposal, Contractor (Support), Deviation, Earned Value Management System, Expendable Item, Engineering Support, Hazardous Substance, IP Plan, Integrated Baseline Review, Maintenance Support, New Resources, Operating Support, Stop Payment Milestone, Subcontractor (Support), Supplies Acceptance Certificate, Supply Support, Support System and Work Breakdown Structure.
Part 2 draft conditions of contract Attachments	Attachment M – Referenced Documents	4	Add	New documents have been added to the list of referenced documents. The new documents are as follows: ADF Aviation Maintenance Management Manual, Quality Management Systems – Guidelines for Performance Improvements, Guidelines for Quality and/ or Environmental Management Systems Auditing, Information Technology – Software Measurement Process, International Specification for Technical Publications Utilizing a Common Source Database, <i>Auditor-General Act 1997</i> , Logistic Support Analysis Record Requirements for the Australian Defence Organisation, Defence Security Manual, in force from time to time, Stocktaking of Defence Assets held by Contractors, Interface Specification, Hazardous Substances Information System (HSIS), Recommended Practice for Architectural Description of Software-Intensive Systems, Interim Defence Procurement Complaints Handling Policy, Writing Paper and Certain Classes of Printed Matter – Trimmer Sizes – A and B series, Quality Management Systems Requirements, Defense and Program-unique Specifications Format and Content, <i>Privacy Act 1988</i> .
Part 2 draft conditions of contract Attachments	Attachment M – Referenced Documents	4	Modify	References to some documents have been updated to reflect correct titles and/ or versions. These documents are: Defence Supplement to AS4817-2006 – Project performance measurement using Earned Value, Defence Policy on Acquisition and Management of Technical Data and Integrated Baseline Review (IBR) Handbook May 2006 – Version 2.4.
Part 3 draft Statement of Work	Scope of Work	2	Modify	To include more definition of the scope of work and to identify that project tailoring is necessary.
Part 3 draft Statement of Work	Scope of Work	2.1.5	Add	Part of the framework for the System Acceptance Audit provisions.

Part	Title	Original Clause or Section	Change Type	Details
Part 3 draft Statement of Work	Data Management System (DMS)	2.3	Add	New Optional clause requiring implementation of a standard Data Management System.
Part 3 draft Statement of Work	Ozone Depleting Substances	2.6	Modify	To improve clarity.
Part 3 draft Statement of Work	Process Improvement	3.2.8	Modify	Clause moved from clause 4.
Part 3 draft Statement of Work	Key Persons Management	3.4	Modify	To include the documentation required in support of the nomination of a person as a Key Person.
Part 3 draft Statement of Work	Earned Value Management Requirements	3.2.5 and 3.5	Modify	To redefine IBR as a mandated system review.
Part 3 draft Statement of Work	Extraordinary Meetings	3.9.2.6 and 3.9.2.8	Modify	To clarify the requirement.
Part 3 draft Statement of Work	Government Furnished Material (GFM) Management	3.13.2	Modify	To align with Defence Stocktaking policy.
Part 3 draft Statement of Work	Stocktaking of Contractor Managed Commonwealth Assets	3.20	Add	To include a requirement for the contractor to prepare a Commonwealth Assets Stocktaking Plan.
Part 3 draft Statement of Work	System Implementation	4.4.1.1	Modify	Option to require the Contractor to perform site-installation activities.
Part 3 draft Statement of Work	Verification & Validation	7.1.1 to 7.1.5	Modify	Various amendments designed to improve the clarity of these clauses.
Part 3 draft Statement of Work	Failure Reporting and Analysis	7.1.6	Add	To provide for a problem resolution system that categorises failures according to severity.
Part 3 draft Statement of Work	AV&V Phases	7.2.2.1 & 7.2.2.2	Modify	To provide a framework for AV&V.
Part 3 draft Statement of Work	System Audit Acceptance	8.5	Add	To include System Acceptance Audit requirements.
Part 3 draft Statement of Work Annexes	Annex C to Attachment A – Contract Data Requirements List		Modify	To rationalise data item requirements and improve management.

Part	Title	Original Clause or Section	Change Type	Details
Part 3 draft Statement of Work Annexes	Annex D to Attachment A – List of DMO Checklists	Table 1	Add	2 new checklists have been developed - the Integrated Baseline Review Checklist and the System Acceptance Audit Checklist.