DELIVERY SCHEDULE (CORE)

Note to tenderers: Attachment C will consist of an amalgamation of TDR D-2, this draft Attachment, the successful tenderer’s response and any negotiated adjustments.

1. MILESTONE SCHEDULE AND DELIVERY SCHEDULE (DELIVERABLES)
   1. The Contractor shall comply with the dates and locations identified in the Delivery Schedule - Table C-1: Milestone Schedule and Table C‑2: Delivery Schedule (Deliverables)).
   2. Table C-1 and Table C‑2 also:
      1. identify those Milestones that are Stop Payment Milestones;
      2. set out those Deliverables in relation to which ownership will pass to the Commonwealth in accordance with clause 6.10 of the COC (where applicable); and
      3. identify those Deliverables which will or will not be subject to Acceptance for the purposes of clause 6.8 of the COC, including (where applicable) any relevant Deliverables that form part of a Milestone in Table C-1.
   3. The Milestone Criteria (entry and exit) applying to Table C-1 are defined in clause 2 and Table C-3. In the event of an inconsistency, the delivery dates specified in this schedule have precedence over dates specified elsewhere in the Contract.

Note to drafters: Ensure that prior to issuing the Request for Tender (RFT):

1. the list of Milestones is consistent with those identified for TDR D-2, including the Milestone Schedule in the Support Pricing Workbook (SPTPW);
2. the associated entry/exit criteria in the following table are updated to align with the specific requirements of the Contract, particularly the SOW;
3. if the proposed Contract will be linked to a Contract (Acquisition) using ‘Concurrent Contract Milestones’ (CCMs) (as explained in the ASDEFCON Linkages Module), relevant Milestones are identified as CCMs and applicable criteria, from the Contract (Acquisition) Milestone, are included (or cross-referenced) in Table C-3; and
4. the Milestones that the Commonwealth wishes to have treated as Stop Payment Milestones are identified in the table.

The identification of Stop Payment Milestones should be undertaken in conjunction with the identification of Milestones against which Liquidated Damages would apply in Attachment D. Commercial advice should be sought to ensure that a commercially sound payment and remedies regime is identified.

Also, drafters are to ensure that prior to the Effective Date:

1. delivery details for all of the Deliverables are clearly specified so as to effectively accommodate Acceptance activities. Some Deliverables will readily be cross-referenced and managed in accordance with Milestones under Table C-1 (including any relevant Deliverables that form all or part of a Milestone) whereas other Deliverables may not, and need to have delivery details clearly specified in accordance with Table C‑2; and
2. for each Milestone in Table C-1, corresponding entry and exit criteria are included in Table C-3.

Table C-1: Milestone Schedule

| ID | Milestone | Milestone Date  (in months) | Stop Payment  (Y/N) | Description of Relevant Deliverables Included in the Milestone (if applicable) | Delivery Location | Acceptance Required  (Y/N) | Will Ownership Transfer to the Commonwealth  (Y/N) |
| --- | --- | --- | --- | --- | --- | --- | --- |
| (a) | (b) | (c) | (d) | (e) | (f) | (g) | (h) |
|  | 1. Effective Date (ED) | 1. 0 – complete |  |  |  |  |  |
|  | 1. GFF Commencement Date - Area #1 (GFF#1) | 1. OD - 1 |  |  |  |  |  |
|  | 1. Operative Date (OD) (CCM#1) |  |  | 1. Refer to clause 1.5 of the COC. |  |  |  |
|  | 1. Start X Services (RU#1) (CCM#2) |  |  |  |  |  |  |
|  | 1. GFF Commencement Date - Area #2 (GFF#2) | 1. OD + 6 |  |  |  |  |  |
|  | 1. Start Y Services (RU#2) (CCM#3) |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |

Notes on Table C-1:

1. ID: A unique line item number.
2. Milestone: Milestone name or abbreviation. If linked to a Contract (Acquisition) event, include the Concurrent Contract Milestone number (eg, CCM #1).
3. Milestone Date: Scheduled date for the (start of the) Milestone in months after the Effective Date or a previous Milestone.
4. Stop Payment: Is this Milestone a Stop Payment Milestone in accordance with clause 7.9 of the COC.
5. Description of Relevant Deliverables Included in the Milestone (if applicable): Identify / list the Deliverables that are to be delivered and/or Accepted as part of the applicable Milestone.
6. Delivery Location: Location(s) for the Milestone activity and the delivery of associated Deliverables, where applicable.
7. Acceptance Required: Identify whether or not the Relevant Deliverables in column e will be subject to Acceptance – yes or no (Y/N).
8. Ownership Transfer: Deliverables Accepted at this Milestone will be transferred into Commonwealth ownership in accordance with clause 6.10.1c of the COC – yes or no (Y/N).

Note to drafters: Prior to Contract signature, drafters are to ensure that delivery details for all of the Deliverables, regardless of whether they form part of a particular type of Service ((Task-Priced, Recurring Service, etc.) or are part of a Milestone), are clearly specified as this schedule ties items to the Acceptance process defined in clause 6.8 of the COC. If applicable, drafters are to ensure that any Defence-Required Australian Industry Capability (DRAIC) listed in Attachment F that is to be Accepted under the Contract is specified in Table C‑2 below as a Deliverable with a Delivery Date. Ownership of DRAICs does not normally transfer to the Commonwealth; however, there may be strategically important or high-cost items of equipment that form part of a DRAIC for which the procurement team may decide that they should be owned by the Commonwealth. If this is the case, the following table should be adjusted accordingly.

Table C‑2: Delivery Schedule (Deliverables)

| Deliverables | Delivery Date  (in months) | Delivery Location | Acceptance Required (Y/N) | Will Ownership Transfer to the Commonwealth (Y/N) |
| --- | --- | --- | --- | --- |
| (a) | (b) | (c) | (d) | (e) |
| 1. [INSERT DETAILS REGARDING ITEMS OF DELIVERABLES] | 1. [INSERT DETAILS REGARDING ITEMS OF DELIVERABLES] | 1. [INSERT DETAILS REGARDING ITEMS OF DELIVERABLES] |  |  |
| 1. [INSERT DETAILS REGARDING ITEMS OF DELIVERABLES] | 1. [CROSS-REFERENCE TO MILESTONE WHERE RELEVANT] | 1. [CROSS-REFERENCE TO MILESTONE WHERE RELEVANT] |  |  |
| 1. [INSERT DETAILS REGARDING ITEMS OF DELIVERABLES] | 1. [CROSS-REFERENCE TO KEY CONTRACT PLAN WHERE RELEVANT] | 1. [CROSS-REFERENCE TO KEY CONTRACT PLAN WHERE RELEVANT] |  |  |
| 1. [INSERT DETAILS REGARDING DRAICS OR DRAIC ELEMENTS THAT ARE DELIVERABLES] | 1. [CROSS-REFERENCE TO KEY CONTRACT PLAN WHERE RELEVANT] | 1. [INSERT DELIVERY LOCATION WHERE RELEVANT] |  | 1. N |
| 1. Data items specified in the SOW | 1. In accordance with the CDRL | 1. In accordance with the CDRL |  |  |

Notes on Table C‑2:

1. Deliverables: A brief description or title that identifies the other Deliverables.
2. Delivery Date: Scheduled date(s) for the delivery of the Deliverables, in months after the Effective Date or relevant Milestone. Where applicable, refer to the location in the Contract or the relevant Approved data item where this information can be found.
3. Delivery Location: Location(s) for the delivery of the Deliverables. Where applicable, refer to the location in the Contract or the relevant Approved data item where this information can be found.
4. Acceptance Required: Identify whether or not the other Deliverables are subject to Acceptance – yes or no (Y/N).
5. Ownership Transfer: Deliverables will be transferred into Commonwealth ownership in accordance with clause 6.10.1 of the COC – yes or no (Y/N).
6. SCHEDULE OF MILESTONE CRITERIA – ENTRY AND EXIT

Note to drafters: The Schedule of Milestone Criteria – Entry and Exit should be tailored to suit Contract-specific needs. The schedule is to accurately define the scope of the relevant Milestone, noting that, when a Milestone Payment is attached to a particular Milestone, the exit criteria are used to determine whether or not payment can actually be made. Similarly, a Milestone may be used to designate the start of a pricing period (including a Ramp Up stage) for Recurring Services, and the exit criteria are used to determine if the new level of Services (and associated Recurring Services Fees) can commence. Milestone criteria may refer to Contractor plans (ie, if these are required to scope specific requirements) or referenced manuals (eg, completion of a major Maintenance servicing as defined in a planned servicing schedule). Milestone Payments should not be listed here but be listed in the ‘Milestone Schedule’ at Annex A to Attachment B. By way of example, entry and exit criteria are provided below. For instance, the exit criteria for the ED Milestone might be further tailored to include the following Contract-specific subordinate criteria:

1. Acceptance or Approval (as relevant) of all data items scheduled in the CDRL for delivery and Commonwealth action (ie, Acceptance or Approval)) by ED; and
2. finalisation of Contractor insurance details.

Note to tenderers: Table C-3 will consist of an amalgamation of the information contained in TDR D-8, this draft annex, the successful tenderer’s response, and any negotiated adjustments.

* 1. Table C-3 sets out the Milestone criteria – entry and exit that will be used by the Commonwealth to validate whether:
     1. the Contractor may formally commence, and legitimately make claims in relation to, achievement of work on elements comprising a given Milestone; and
     2. a given Milestone has been achieved.

Table C-3: Schedule of Milestone Criteria – Entry and Exit

| MILESTONE | MILESTONE CRITERIA | |
| --- | --- | --- |
| ENTRY CRITERIA | EXIT CRITERIA |
| (a) | (b) | (c) |
| 1. Effective Date (ED) |  | * Contract signature * Provision to the Commonwealth of securities and deeds, in accordance with COC clauses 7.4, 7.5 and 7.8 |
| 1. GFF Commencement Date - Area #1 (GFF#1) | * Completion of inspection of GFF Licensed Area by Contractor and a representative of the Commonwealth. | * Agreement by the parties to the Facilities Condition Report and resolution of any discrepancies in accordance with SOW clause 3.18.1. |
| 1. Operative Date (OD) (CCM#1) | * Delivery of first Mission System and receipt of associated Support Resources by the Contractor from the Contractor (Acquisition). Refer Contract (Acquisition) SAA checklist. * Completion of prerequisites defined in COC clause 1.5. | * Requirements of COC clause 1.5 have been met. * Refer Contract (Acquisition) SAA checklist. |
| 1. Start X Services (RU#1) (CCM#2) | * Establishment of M1 maintenance capability and S1 supply capability at GFF#1 in accordance with the Approved Ramp Up Management Plan (RUMP). * Delivery of X Mission Systems and receipt of associated Support Resources by the Contractor from the Contractor (Acquisition). Refer Contract (Acquisition) SAA checklist. | * Verification of M1 and S1 in accordance with the Approved RUMP. * Refer Contract (Acquisition) SAA checklist. |
| 1. GFF Commencement Date - Area #2 (GFF#2) | * Completion of inspection of GFF Licensed Area by Contractor and a representative of the Commonwealth. | * Agreement by the parties to the Facilities Condition Report and resolution of any discrepancies in accordance with SOW clause 3.18.1. |
| 1. Start Y Services (RU#2) |  |  |
|  |  |  |