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2024

Note to Defence Staff and External Agencies

Department of Defence (Defence) staff and external agencies intending to use the associated Australian Standard for Defence Contracting (ASDEFCON) templates will need to select and tailor the template(s) in order to meet their specific procurement requirements and should seek appropriate professional guidance as required.

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This publication should be attributed as the *Contract Template Selection and Tailoring Guide V3.0*.

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Amendment Record

| Version | Release Date | Description of Amendments |
|---------|--------------|---|
| V1.0 | 2010 | Upgrade from ASDEFCON Template Selection Guide |
| V2.0 | 2015 | Revised for changes to ASDEFCON template suite and updated selection process |
| V2.1 | 2016 | Minor update for organisational changes, new ALM template, new policy for the Commonwealth Contracting Suite and updated information on the Australian Government Building Code 2013 |
| V3.0 | 2024 | Updated for inclusion of the ASDEFCON (Complex Services) template, the expanded applicability of the Commonwealth Contracting Suite (CCS), and changes to procurement connected policies. |

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Introduction

Purpose

This *Contract Template Selection and Tailoring Guide* (the Guide) has been designed to provide guidance to personnel conducting procurements. The primary purpose of this Guide is to assist users to:

- understand the range of contract templates available for use by Defence;
- understand the key issues which need to be considered when selecting and tailoring a template for a procurement; and
- select the template that offers the most effective and efficient contracting solution which enables the required outcomes to be achieved, consistent with relevant policy and regulatory requirements, for the lowest administrative cost.

The selection of an appropriate template is an important part of achieving the following objectives for Defence procurements, namely to provide a solution that:

- enables best value for money to be obtained;
- ensures sound governance and accountability;
- minimises overheads for Defence and Industry;
- promotes schedule realism and effective schedule performance;
- encourages Defence and industry to adopt 'best practice';
- is commercially oriented;
- improves consistency within and across contracts;
- encourages use of contractor standard processes; and
- achieves a sensible balance between technical, contractual and managerial risks.

This Guide considers both Defence and Commonwealth contracting templates; however, its primary focus is on the suite of procurement templates managed by the ASDEFCON and Contracting Initiatives (ACI) Directorate within the Commercial Division, Capability Acquisition and Sustainment Group (CASG), including:

- the ASDEFCON suite of tendering and contracting templates (a set of proforma documents for use by Defence procurement officers when drafting request documentation for the acquisition of goods and services); and
- Forms AC565 and SP020, which can be generated by the Resource & Output Management & Accounting Network (ROMAN) or Military Integrated Logistics Information System (MILIS, being replaced by the Defence Enterprise Resource Planning (ERP) System).

Detailed descriptions for these templates are available in [Annex A](#). Information on other Defence and Commonwealth templates is included at [Step 4](#).

The basic principle of this Guide is that template selection is driven by the 'best fit' Statement of Work (SOW) for the procurement's scope of work. The SOW specifies the required outcomes of a contract (ie, the required 'value' for the customer in terms of goods and/or services) thus describing or bounding the work of the Contractor. Accordingly, the SOW captures the technical requirements and may include detailed specifications of the products and services to be delivered. The SOW is therefore a significant driver of the complexity and overall risks associated with the procurement. Any unnecessary work requirements will increase cost without a commensurate increase in value, while insufficient work requirements to manage technical risk may jeopardise outcomes, both resulting in reduced value for money.

This is not a single use document to be read from beginning to end. It is a practical document, to go through as you carry out the process of selecting and tailoring the most appropriate contract template. As guidance, it is intended to be applied in a flexible and common sense way – as particular circumstances and good judgement dictate. Users familiar with this Guide can start at [Step 1](#).

Applicability

This Guide assists with template selection and tailoring, however, accurately selecting and tailoring templates for Major Capital Equipment (MCE) and Minor Capital Equipment (MINCE) acquisitions and materiel support services will require specialist technical assistance, financial and commercial advice, and greater consideration of individual environmental and risk factors. In these circumstances, the procurement delivery model, and the ASDEFCON template(s) to be used, will be documented in the applicable project documentation (such as the Integrated Project Management Plan (IPMP), Support Procurement Strategy (SPS) or Delegate Submission). Accordingly, this Guide should be read in conjunction with the Capability Acquisition and Support Arrangements guidance tool on the CASG Business Management System and/or the *Procurement Delivery Models Better Practice Guide*.

This Guide does not address the specific requirements applicable to acquisitions conducted via Foreign Military Sales (FMS) or Direct Commercial Sales through Defence Materiel in the United Kingdom (UK), Defence Materiel in the United States of America (USA) or via cooperative agreements or other international agreements or arrangements.

Further, there is not necessarily a template available for every type of procurement delivery model; for example, Evolutionary Acquisition, Public Private Partnership and Project Alliancing will require specialist advisers to develop largely bespoke contract documentation, particularly the commercial terms (although the ASDEFCON SOW should still generally provide a suitable base document for describing the scope of work).

Policy

Mandatory policy relating to the use of standard contracting templates for procurements is described in Accountable Authority Instruction (AAI) 2 Spending Defence Money - Procurement³ and the Defence Procurement Manual (DPM)⁴. In accordance with AAI 2 and the DPM, officials must use an endorsed Defence contracting template if one exists for the type of procurement being undertaken.

In this Guide:

- 'must' means that the requirement is mandatory with no exceptions (ie, often in relation to legislation or government policy);
- 'should' means that the requirement must be complied with except where there are valid reasons to not do so;⁵ and
- 'may' means that the requirement is optional but generally represents better practice and should be considered in each case.

Getting Assistance

Due to the subjective nature of some of the criteria, risk factors and assessment of risk, this Guide cannot foreshadow all eventualities and relevant considerations in any given procurement. If, after using this Guide, there are any doubts regarding template selection and use, seek specialist advice.

Defence personnel should seek advice in the first instance from the relevant commercial advisors in Commercial Division. Details can be found on the Commercial Division intranet website.

Refer also to [Annex E](#) for on-line resources, training courses and points of contact for support in template selection and tailoring.

Structure

This Guide is organised into the following five Steps, with [Step 1](#) beginning the overall selection process, leading to the subsequent steps for more precise template selection and tailoring:

³ See AAI 2, paragraph 18(c).

⁴ See DPM, Chapter 2 *Request Documentation* and Procurement and Contracting Requirement (PCR) R07 *Approved and Non-Approved Contracting Templates*.

⁵ For any complex procurement where this requirement is not met, the decision should be recorded in (or be capable of clear explanation by reference to) the procurement record.

- [Step 1](#) – separates procurement from disposal/transfer of assets, and materiel procurement from non-materiel procurement;
- [Step 2](#) – identifies the likely template for a materiel procurement;
- [Step 3](#) – describes the steps for tailoring ASDEFCON templates;
- [Step 4](#) – describes the options for non-materiel procurements; and
- [Step 5](#) – describes templates for the disposal or temporary transfer of Defence Assets.

Feedback

The ASDEFCON and Contracting Initiatives (ACI) Directorate welcomes feedback and suggestions for improving this Guide. Feedback may be provided via e-mail to procurement.ASDEFCON@defence.gov.au.

Step 1 – Procurement versus Disposal/Transfer and Materiel versus Non-Materiel Procurements

Prior to selecting a contracting template, it is essential to understand the nature of the activity and the goods and/or services to be acquired. In dividing potential templates into groups, the first step in this Guide is to identify if the requirement relates to a procurement activity or to an agreement to sell, gift, hire or loan a Defence asset. For procurements, the next step is to determine if it is a materiel or a non-materiel procurement. These decision points are illustrated in Figure 1.

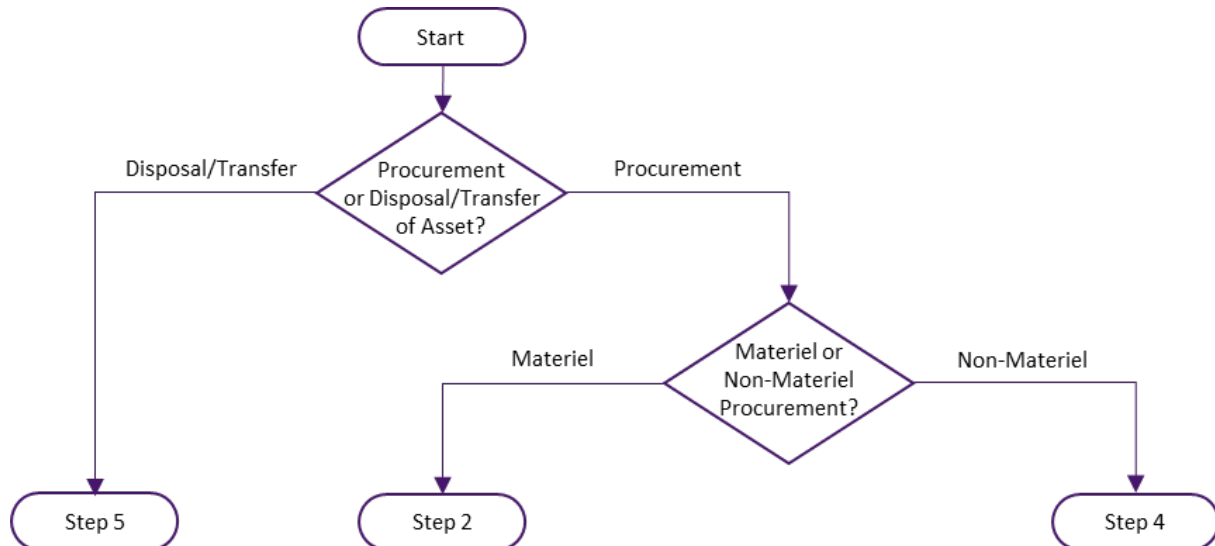


Figure 1: Initial Selection Process

Materiel procurements include goods and services for 'military purposes'. 'Goods' include everything from major platforms, such as ships, vehicles and aircraft to consumables, such as oil, and nuts and bolts used on materiel systems. Services related to materiel include those services applied directly ('physically') to the materiel, such as maintenance and supply activities ('Materiel Support Services'), and services that are otherwise 'related' to the materiel, such as reliability analysis, maintenance requirements determination or inventory requirements determination ('Indirect Materiel Services').

For the purposes of this Guide, non-materiel procurements include all other goods and services, such as infrastructure, commercial Information & Communication Technology (ICT) goods and services, office supplies, domestic trade services, gardening, food, printing services, consultancy services not related to materiel systems, and so on.

After separating materiel and non-materiel procurements, Figure 1 leads to subsequent steps in this Guide. For materiel procurements, refer to [Step 2](#) and then tailor as described by [Step 3](#). For non-materiel procurements, refer to [Step 4](#). For the sale, gift, hire or loan of Defence assets, refer to [Step 5](#).

Step 2 – Materiel Acquisition and Support Procurements

Procurement Activities versus Contracts

In determining the overall contract architecture for materiel acquisition and support requirements, it is essential to determine the number of actual contracts and therefore procurements likely to be involved. In some cases, it will be administratively efficient to bundle several related items under a single contract and run a single procurement process, in other cases it may be necessary or more cost-effective to use multiple contracts potentially requiring different processes. It may also be possible to rely on an existing contractual arrangement to procure some or all of the required goods or services.

As shown in Figure 2, a project may involve a main contract and the use of several other contracts or arrangements to cover the full scope of an acquisition program, and with each of these different contracts potentially being based on different templates.

For major acquisitions, and for subsequent support, the number and scope of each significant contract (ie, excluding individual SP020s and shortform contracts) should be identified in the applicable project documentation (such as the Integrated Project Management Plan (IPMP) or Support Procurement Strategy (SPS)).

For further information, refer to:

- The One Defence Capability System Business Management System;
- the Capability Acquisition and Support Arrangements guidance tool on the CASG Business Management System; and
- the Procurement Delivery Models Better Practice Guide.

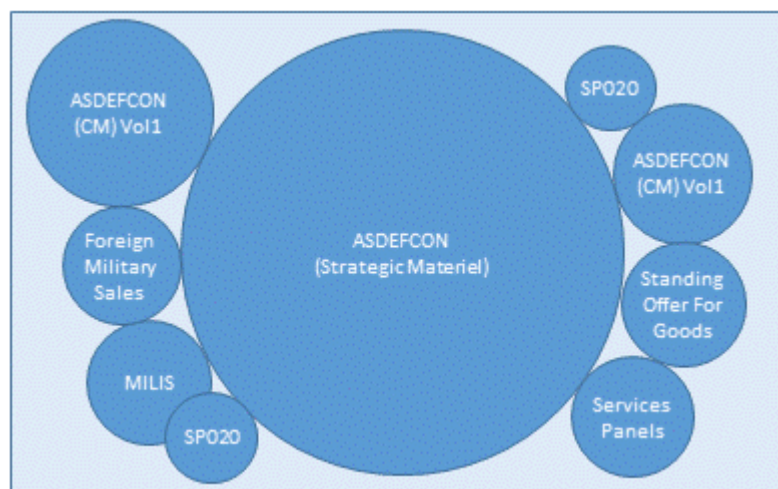


Figure 2: Acquisition project versus individual contract scope

Similar to a major acquisition project, in-service support for complex systems usually involves multiple contracts, including one main contract for the platform or other system, and several smaller supporting contracts for common repairable items and specialised support activities, as depicted in Figure 3.

Unless incorporated within the planning documentation for the acquisition project, the number and scope of each on-going support contract (ie, excluding individual SP020s and shortform contracts) should be identified in a Support Procurement Strategy (SPS). A Delegate Submission should also identify related procurement activities for MINCE programs.

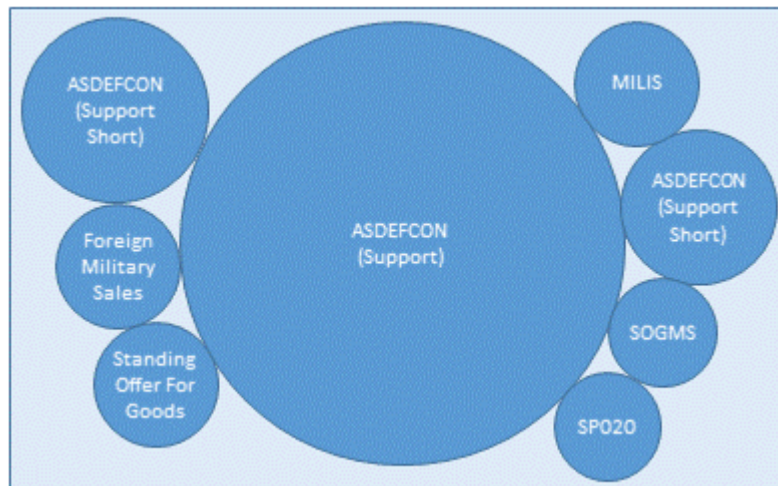


Figure 3: Support system versus individual contract scope

Where the procurement activity, being a project or in-service support activity, will involve multiple contracts the flow chart in Figure 4 should be followed for each proposed contract. This will often result in the selection of different templates for different purposes through Steps 2A to 4.

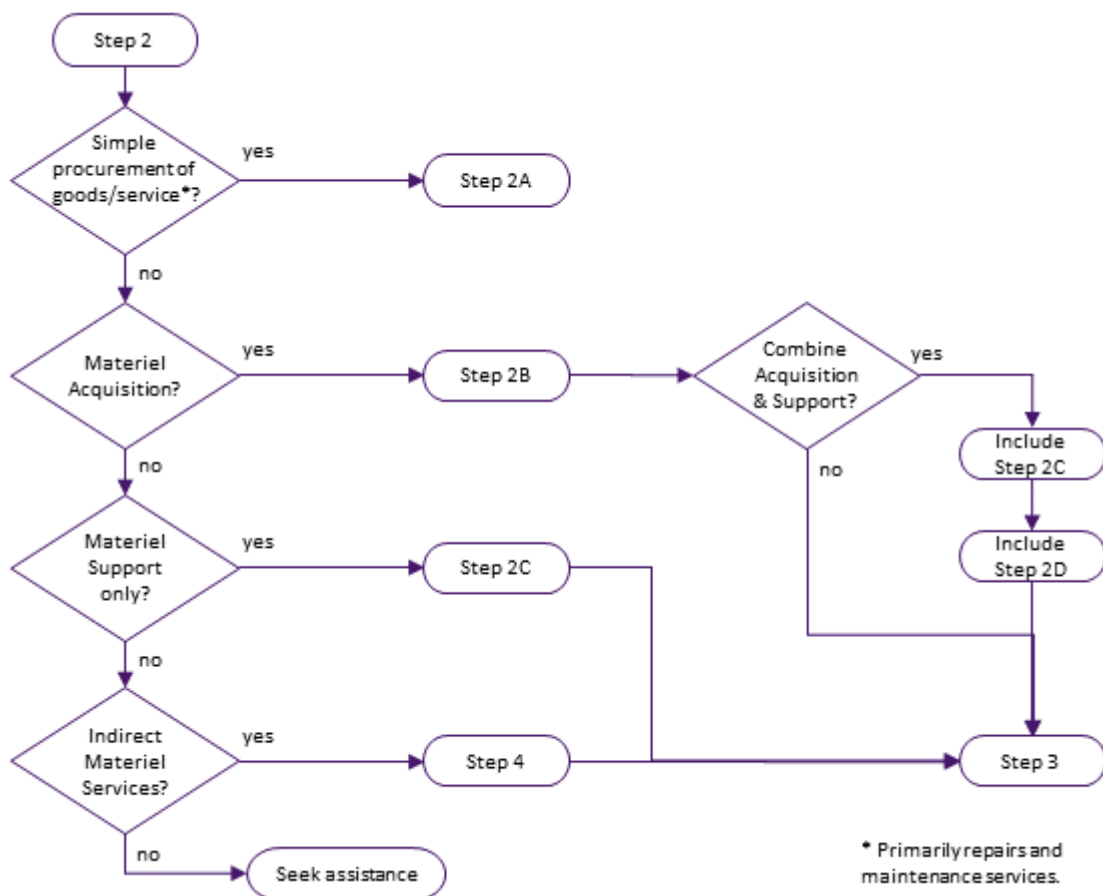


Figure 4: Materiel Acquisition and Support

Note that 'Indirect Materiel Services' in Figure 4 refers to work that is not 'hands on', such as a detailed technical study into reliability or maintenance scheduling for items of materiel.

Step 2A – Simple Procurement of Goods and Repair/Maintenance Services

A simple procurement is straightforward, not requiring the development of specifications for various goods or a detailed statement of work to describe repair/maintenance services. Contracting methods can include:

1. Use of [Mandated Whole of Government Arrangements](#) (WoAG) (these are generally contracts or standing offer panel arrangements established for Commonwealth entities to use. Some are mandatory for use);
2. Use of the [Commonwealth Contracting Suite](#);
3. Use of existing suitable Standing Offers;
4. Use of a suitable endorsed Defence form (such as SP020) or 'shortform' contract; or
5. Use of a contract other than an endorsed Defence contracting template⁶.

For information on the steps of a simple procurement, including procurement policy considerations, see the Simple Procurement Process Tool.

As shown in Figure 5, the first step is to determine if there is a suitable Mandated Whole of Government Arrangement in place, and if there is, that must be used. If the procurement is valued under \$200,000 (GST inclusive), then the Commonwealth Contracting Suite must be used in accordance with [Resource Management Guide 420](#). The Commonwealth Contracting Suite has options for one-off/infrequent purchases requiring a single contract, as well as for regular purchases requiring a standing offer. Note the use of the Commonwealth Contracting Suite is encouraged for procurements valued from \$200,000 up to \$1 million (GST Inclusive).

Next consult the DPM to determine whether there are any prioritised existing Defence standing offer or panel arrangements that will provide the goods and repair/maintenance needed. If one exists, that standing offer/panel must be approached prior to other standing offer or panel arrangements established by Defence.

Following on from this, investigate whether there is a non-mandated Whole of Government Arrangement, or a non-prioritised existing Defence standing offer or panel arrangement, that is suitable for the required procurement activities⁷. Details and points of contact for existing standing offers can be accessed from under the '[Standing Offers](#)' tab on the AusTender website. The 'Panels' website on the Commercial Division intranet also provides information on Existing Whole of Government and Defence standing offers and panels.

If an appropriate standing offer for goods and repair/maintenance does not already exist, then the next step is to determine if the procurement is a 'one-off' or likely to be repeated.

For the one-off (single or infrequent) procurement of goods or a repair service,⁸ then the AC565 - *Request for Quotation* Form with either the SP020 - *Purchase Order and Contract for the Supply of Goods and Repair Services* Form or the ASDEFCON (*Shortform Goods*) template should be considered based upon whether or not limitation of liability provisions are applicable to the procurement. Form SP020 can be used when a limitation of liability is not applicable. ASDEFCON (*Shortform Goods*) is the equivalent of a Form SP020 with limitation of liability provisions and can be tailored for the procurement by including the findings of a liability risk assessment.

For repeated procurements of goods, when a standing offer does not exist, the Commonwealth Contracting Suite Deed of Standing Offer is encouraged for procurements up to \$1 million. The ASDEFCON (*Standing Offer for Goods*) template may also be used to establish a standing offer for off-the-shelf goods, or the ASDEFCON (*Standing Offer for Goods and Maintenance Services*) template may be used if a SOW is required to define Defence-specific aspects of the repair/maintenance

⁶ Note in accordance with Accountable Authority Instruction (AAI) 2 Spending Defence Money - Procurement, an endorsed Defence template must be used. Where an endorsed Defence contracting template would normally be used but is not used, or is modified in a material respect, you must engage with Defence Legal consistent with *Defence Instruction Administrative Policy*.

⁷ Standing offer panel arrangements for non-materiel procurements are included under [Step 4](#).

⁸ Repair is a subset of maintenance, ie repairing an item when it breaks rather than undertaking preventive servicing. The Form SP020 and ASDEFCON (*Shortform Goods*) templates include provisions for repair services, while the ASDEFCON (*Standing Offer for Goods and Maintenance Services*) template includes provisions for maintenance services.

services⁹. Each procurement action is then implemented using an Official Order. The *ASDEFCON (Standing Offer for Goods)* template does not include a SOW to identify Defence-specific work requirements; hence, the goods need to be off-the-shelf (eg, from catalogues for support equipment, tools or consumables).

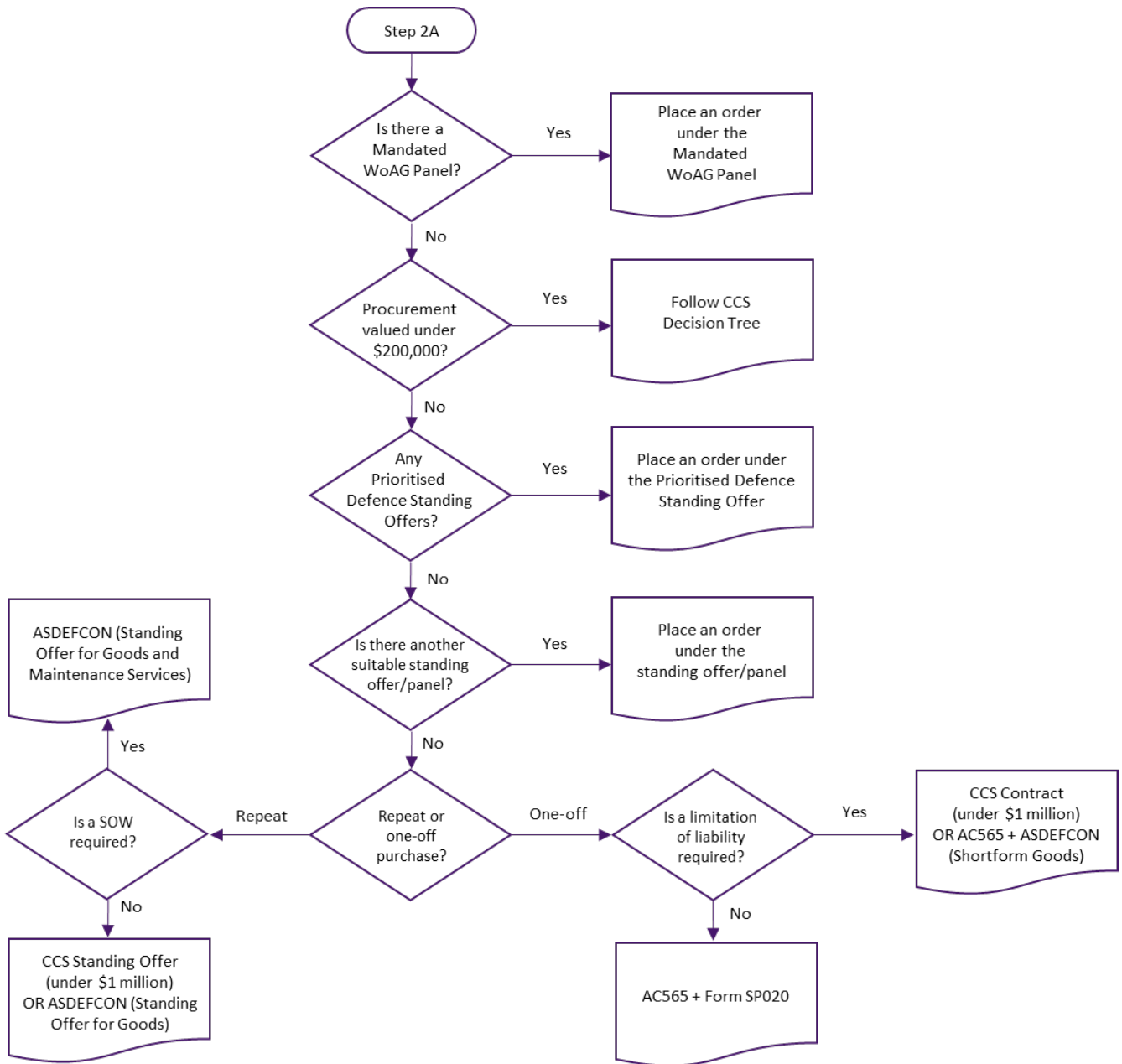


Figure 5: Simple Procurement of Goods and Repair/Maintenance Services

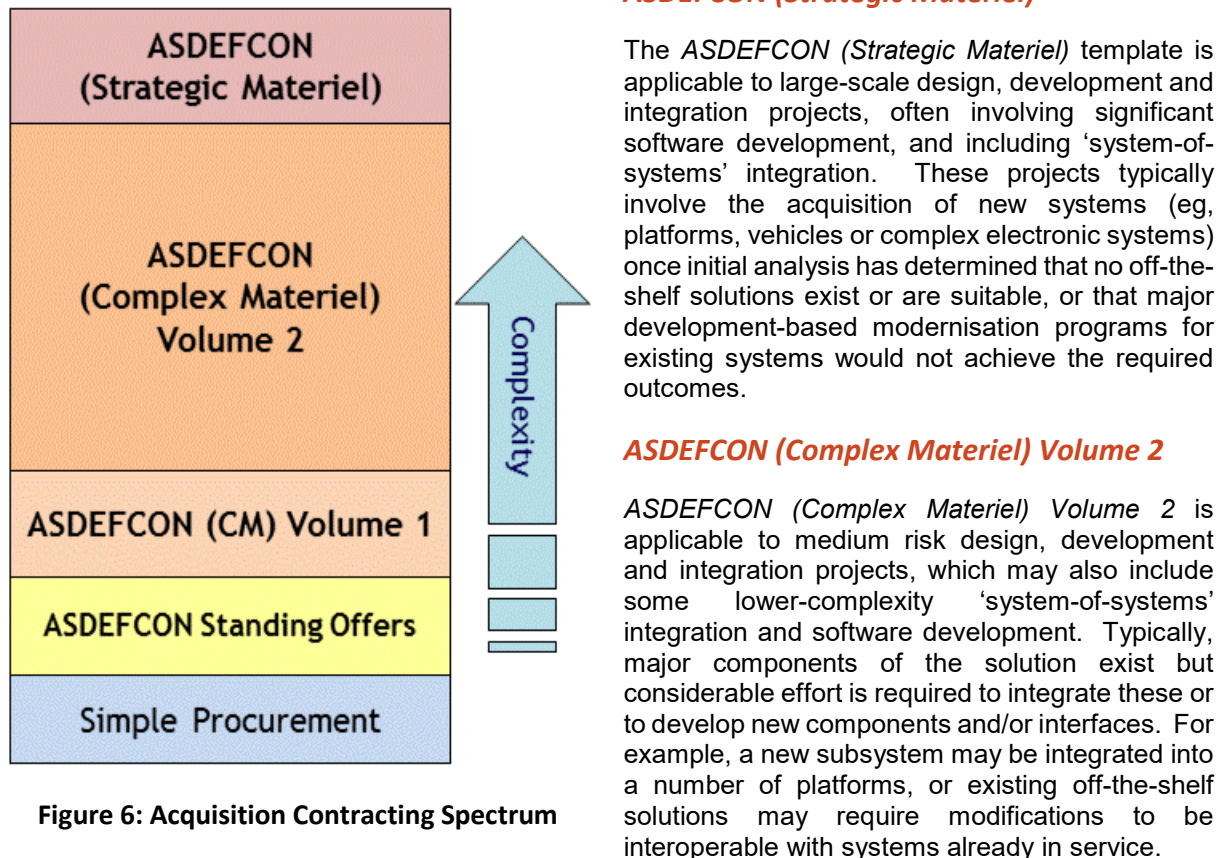
Each of the ASDEFCON templates and sponsored forms mentioned above is described in [Annex A](#).

⁹ Note the requirements of Accountable Authority Instruction (AAI) 2 Spending Defence Money - Procurement, in relation to establishing a panel/standing offer arrangement.

Step 2B – Materiel Acquisition

For a more detailed overview of each template see [Annex A](#). Figure 6 illustrates the ‘spectrum’ of ASDEFCON materiel acquisition templates.

Overview of Materiel Acquisition Templates



ASDEFCON (Complex Materiel) Volume 1

ASDEFCON (Complex Materiel) Volume 1 is applied to low technical risk procurements that have no significant design and development activity requiring Commonwealth involvement. Supplies may be non-developmental, or incorporate standard manufacturer options, or need a minor development activity to meet Commonwealth requirements but the associated technical risk is so low that the cost of implementing a rigorous system to provide Commonwealth insight is not justified.

ASDEFCON Standing Offers

ASDEFCON (Standing Offer for Goods and Maintenance Services) may be used for the procurement of off-the-shelf materiel items and of follow-on maintenance services. It may also be used to procure maintenance services with the incidental purchase of Repairable Items (RIs) using list prices or Survey and Quote (S&Q) provisions. Once a standing offer is established, an Official Order is used for each purchase. Refer to [Step 2A](#) for more information.

ASDEFCON (Standing Offer for Goods) may be used when off-the-shelf goods will be procured. Once the standing offer is established, an Official Order is used for each purchase. Refer to [Step 2A](#) for more information.

Simple Procurement of Goods

Simple one-off procurements may be performed to acquire goods on an infrequent basis. Refer to [Step 2A](#) for more information.

Materiel Acquisition Template Selection

To select an ASDEFCON materiel acquisition template it is essential to determine, from a market survey or existing product knowledge, if the program will be developmental or non-developmental (including when no Commonwealth visibility of low level design and development is required), or if different tenderers are likely to respond with developmental and non-developmental solutions¹⁰. If the level of technical design maturity for the system is unknown, the *ASDEFCON (Request for Information)* template (described in [Annex A](#)) may be used to obtain information from industry.

With knowledge about the design maturity of products in the marketplace, a choice can be made between developmental and non-developmental acquisition templates, as shown in Figure 7.

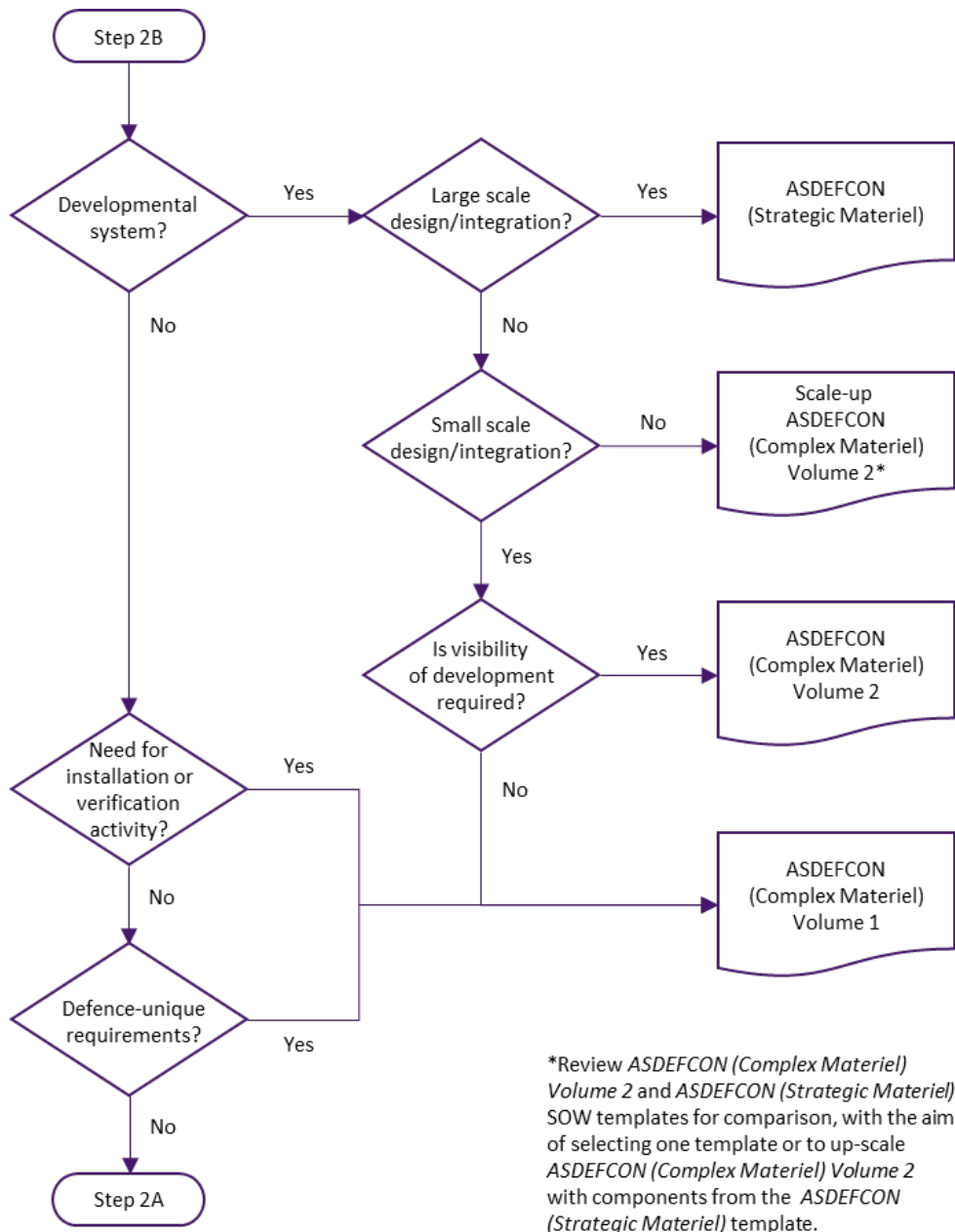


Figure 7: Developmental and Non-Developmental System Procurements

¹⁰ In which case, a template with a SOW that is able to support a development program would be required, with notes added to identify those requirements that would be omitted or consolidated if a non-developmental solution was tendered and selected.

Subsequent questions in Figure 7 aim to identify a specific template for the type of non-developmental procurement or for the expected level of complexity during development, as applicable.

Non-Developmental System Procurements

Within Figure 7, the non-developmental procurement templates are separated into:

- procurements requiring product demonstrations, installations, final inspection and test (ie, for verification), and/or the development of certain support elements (eg, customised training materials): using *ASDEFCON (Complex Materiel) Volume 1*;
- procurements of relatively simple products with Defence-unique requirements (but no installation or verification): using *ASDEFCON (Complex Materiel) Volume 1* (with few optional clauses); and
- Simple Procurements of off-the-shelf items: refer to [Step 2A](#).

Developmental System Procurements

In Figure 7, templates for the acquisition of a developmental system are separated by the ability of the SOW to support the technical complexity of the development and the associated technical risks¹¹. This selection separates procurements into the following broad categories:

- large scale, complex design and/or integration for the development of mission system(s), new technologies or major integration (including system-of-systems integration) are required for a system that will become the basis of a Defence capability: using *ASDEFCON (Strategic Materiel)*;
- moderate scale design and/or integration, where development is required to integrate new or existing components, or to interface and integrate with existing external systems: *ASDEFCON (Complex Materiel) Volume 2* tailored normally or 'scaled-up' with requirements transferred from *ASDEFCON (Strategic Materiel)*; and
- small scale design and/or integration requiring the development of interfaces or materiel system components where the Commonwealth requires a moderate level of visibility: *ASDEFCON (Complex Materiel) Volume 2*, which may be tailored down if appropriate (eg, by consolidating milestones and removing optional clauses that are not necessary).

For projects needing a medium to large scale of design and development but where the appropriate template is not obvious, further evaluation is needed to identify the SOW template that offers the best starting point for drafting. The usual preference is to select *ASDEFCON (Complex Materiel) Volume 2* and scale it up. However, if a project is close to but not quite at the *ASDEFCON (Strategic Materiel)* level of complexity, it becomes easier to start with that template and delete clauses (including some that would be 'core' in other large scale development programs). By selecting a more complex template, there is a risk of not tailoring-out the unnecessary clauses, which can add to the cost of tendering, the cost of contractual compliance for both parties and, potentially, additional unnecessary work and an unnecessary increase in schedule. Hence, this level of tailoring should be undertaken with guidance from applicable subject matter experts.

For projects only needing a small scale of design and development, the contract development team will need to apply a consistent drafting strategy. For example, the template could be used to define an engineering program with a System Definition Review, to incorporate the Contractor's specifications in the contract, with the next formal review being a Test Readiness Review, in preparation to verify that the finished Supplies comply with that specification. Refer to the *ASDEFCON (Complex Materiel) Volume 2 SOW Tailoring Guide* for additional information.

Table 1 compares key attributes of the *ASDEFCON (Strategic Materiel)* and *ASDEFCON (Complex Materiel) Volume 2* SOW templates, and some related commercial aspects, in order to aid template selection. If a decision cannot be made using this comparison table, the next step would be to compare SOW clauses for specific areas of concern.

¹¹ An understanding of the technical complexity and risks should be an outcome of initial analyses, including DSTG technical risk assessments when applicable, and development of the project documentation (such as the Integrated Project Management Plan (IPMP)).

Table 1: Comparison of Acquisition Template SOWs

| Attribute | ASDEFCON (Strategic Materiel) | ASDEFCON (Complex Materiel) Volume 2 |
|---|--|--|
| System maturity, including the integration system-of-system solutions | Mostly developmental | Integration of off-the-shelf items |
| Specification | Function and Performance Specification (FPS) | Description of Requirement Part 1: One or more, product specifications, plain description, FPS |
| User requirement | Operational Concept Document (OCD) | Description of Requirement Part 2: Operating and Support Concept or OCD |
| Earned Value | Core with Integrated Baseline Review (no EVM payments) | Optional |
| Data Management System | Core | Optional |
| Independent Verification and Validation (IV&V) | Optional | No |
| Government Furnished Material (GFM) and Facilities (GFF) | Optional | Optional |
| Directed Trade Studies | Optional | No |
| Systems Engineering Reviews | Full program | Yes, Mandated System Reviews may be combined |
| Software development | Core, significant | Optional, limited |
| Reliability & maintainability related engineering and logistics | Core | Optional, limited |
| Materiel Safety, Logistics, Security, E3 programs | Core | Optional, limited |
| Support system specification and design | Core | No, but support concept can be updated |
| Support Resources | Defined from task analyses | Compiled/updated from existing sources |
| Provisioning reviews | For each major support resource | One combined review |
| Quality program | Contract specific | Generic quality system or Acceptance Verification |
| Acceptance Verification | Core | Core |
| Use of previous Verification and Validation (V&V) results | Optional | Optional |
| Validation | Core | No |
| System Acceptance Audits | Core | Optional |
| Checklists for Reviews | Mandated System Review Checklists (templates) | Selected simplified checklists plus Contractor defined |
| Progress Certification | Optional | No |
| Liquidated Damages | Core | Optional |

Both *ASDEFCON (Strategic Materiel)* and *ASDEFCON (Complex Materiel) Volume 2* follow a 'once through' or 'waterfall' design and development process for the mission system and support system, which is suitable for a competitive tender process that aims to deliver specified Supplies, at a firm price, to a known schedule. If the procurement strategy calls for a more experimental or incremental design and development program, whereby the capability of the major Supplies will evolve over time, with a flexible budget and schedule, then the contract development team will need to seek advice from a range of technical, commercial and financial specialists. Draft contracts for such approaches may be crafted by using various templates as the source for 'building blocks' and further bespoke development.

Tailoring

Having selected an appropriate SOW template for the design complexity and associated technical risk, the next step is to tailor the template in accordance with [Step 3](#).

Step 2C – Materiel Support

For a more detailed overview of each template see [Annex A](#). Figure 8 illustrates the ‘spectrum’ of ASDEFCON materiel support templates.

Overview of Materiel Support Templates

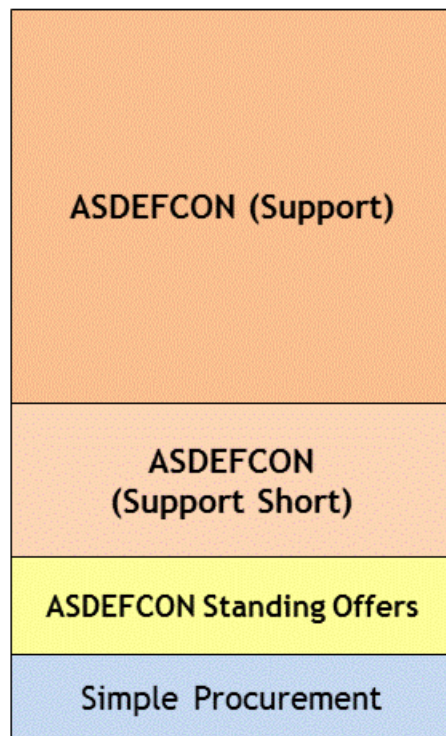


Figure 8: Support Contracting Spectrum

ASDEFCON (Support)

ASDEFCON (Support) is a Performance Based Contracting (PBC) template for the support of materiel systems including platform-based mission systems, vehicle fleets, complex ICT Systems, and complex subsystems fitted to one or multiple mission system types. These products require a range of inter-related services and are usually subject to technical regulation while services interact with significant levels of Commonwealth activity.

ASDEFCON (Support Short)

The *ASDEFCON (Support Short)* template is intended for the support of subsystems and equipment (ie, those items capable of independent operation without being integrated into a larger system). The products may be off-the-shelf items, specialist ICT (without on-going software development), military or other industrial items that may or may not have unique support requirements.

In comparison with *ASDEFCON (Support)*, *ASDEFCON (Support Short)* covers a broad range of services but with less depth and an associated reduction in management complexity

and overheads.

ASDEFCON Standing Offers

ASDEFCON (Standing Offer for Goods and Maintenance Services) may be used to acquire new RIs and then provide maintenance support, or support existing RIs with maintenance and the procurement of related consumables and repair parts. Provision to quote for additional work means that similar work (eg, such as damage repairs) may also be provided (as the scope of such tasks is unknown they do not have ‘list prices’). The template includes a SOW to enable certain work requirements to be specified (eg, for the delivery of codification data). Although a standing offer is created, due to the nature of the work it is usually only implemented with one supplier, rather than a panel.

ASDEFCON (Standing Offer for Goods) may also be used to procure replacement RIs and/or consumables to support maintenance and supply activities. Refer to [Step 2A](#) for more information.

Simple Procurement of Repair/Maintenance Services

Simple one-off procurements may be performed to acquire services (and goods consequential to the services) on an infrequent basis. Refer to [Step 2A](#) for more information.

Materiel Support Template Selection

Figure 9 depicts a process for selecting a template for the provision of services. The first step in Figure 9 is a selection based on whether the services are:

- 'Materiel Support Services', being applied to specific RIs (eg, maintenance procedure X on item Y, or the purchase of items with part number 123), or
- 'Indirect Materiel Services', which may relate to materiel but do not require 'hands-on' work (eg, IV&V Services, inventory analysis, and generic trade training).

For Materiel Support Services, refer to the section below. Indirect Materiel Services are discussed in the subsequent section on page 19. Note that Simple Procurements of Goods and Repair/Maintenance Services should have been captured by [Step 2A](#).

Materiel Support Services

Materiel Support Scenarios

Template selection, for the support of materiel, is based on the technical complexity of the services described in the SOW, and the associated level of technical regulation and Commonwealth visibility required. The range of service complexity is characterised by four support scenarios, as follows¹²:

- *Scenario 1:* The Contractor has full support responsibility for the materiel. There is no ADF maintenance except for pre and post-operative checks, if applicable. The mission system may even be operated by the Contractor in its intended role.
- *Scenario 2:* The Contractor has responsibility for mission system support. ADF support is primarily at the operational level and in the System Program Office (SPO) while the Contractor provides all deeper maintenance, supply management, and much of the engineering capability.
- *Scenario 3:* The Contractor is responsible for subsystems (eg, communications subsystems, engines, etc) and/or equipment. The Contractor may provide support directly to ADF units or other ADF contractors who have mission system responsibilities. The Contractor may have engineering and supply management responsibilities for specific products.
- *Scenario 4:* The Contractor is responsible for the maintenance of RIs or less complex equipment. These support items may be used with a number of mission systems (ie, a common use contract). Defence manages inventory, item configuration, and performs other support functions internally or through another contractor.

¹² These scenarios are described in more detail in Annex A to the ASDEFCON (Support) SOW Tailoring Guide.

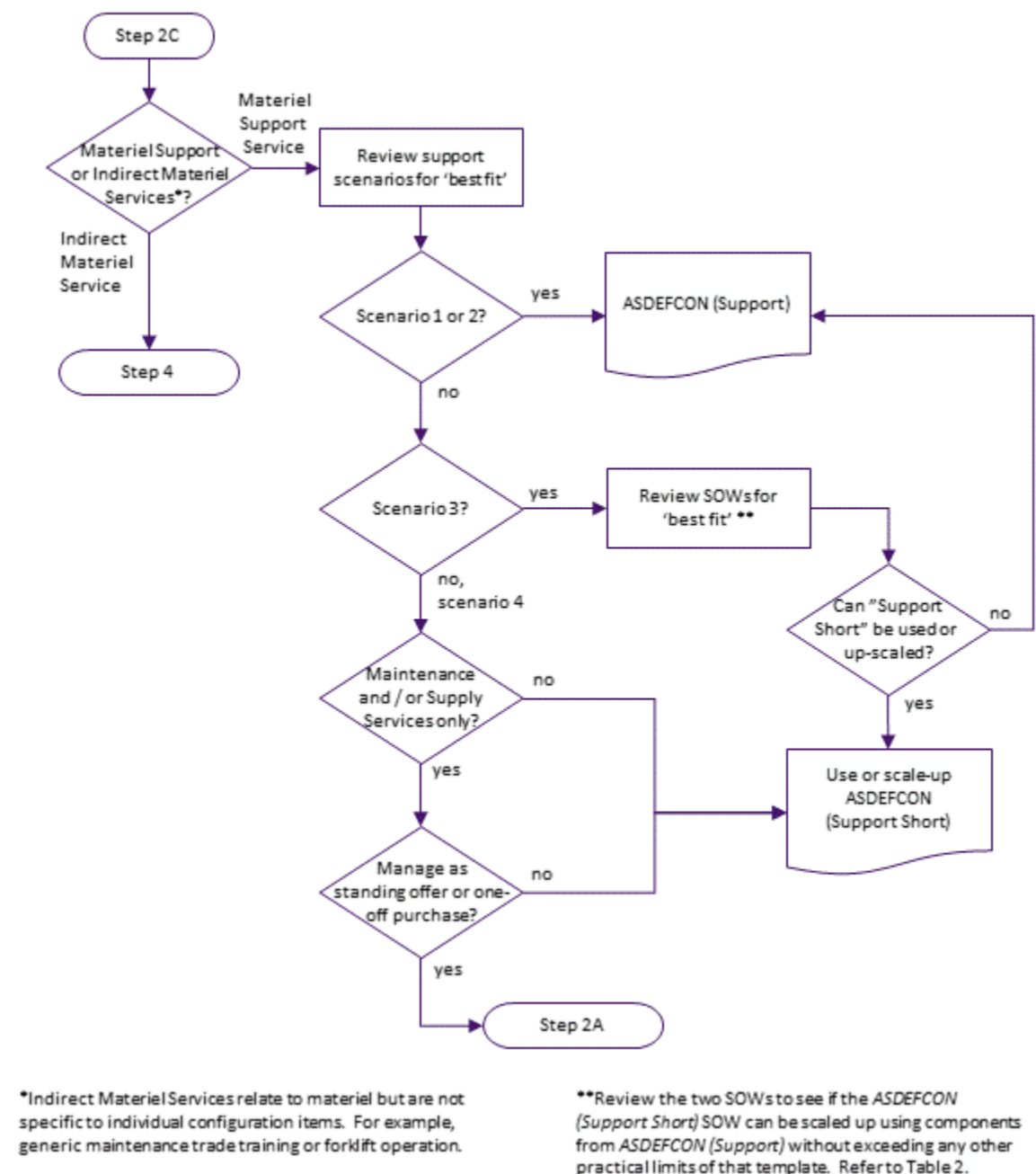


Figure 9: Materiel Support Template Selection

In accordance with Figure 9, the scenarios map to the following templates:

- Scenarios 1 or 2: *ASDEFCON (Support)*;
- Scenario 3: consider *ASDEFCON (Support)* or *ASDEFCON (Support Short)*; and
- Scenario 4: consider *ASDEFCON (Support Short)* or *ASDEFCON (Standing Offer for Goods and Maintenance Services)* (refer to [Step 2A](#)).

Selection in Support Scenarios 1 and 2

For Support scenarios 1 and 2, the *ASDEFCON (Support)* SOW template contains the management and governance requirements for platform-level support services, and contracts of similar technical complexity.

Selection in Support Scenario 3

Finding the SOW template of 'best fit' for a contract in scenario 3 depends upon the complexity of the materiel and the services, and any related constraints that may prevent use of the lower complexity *ASDEFCON (Support Short)* template. Table 2 compares the *ASDEFCON (Support)* and *ASDEFCON (Support Short)* templates based on the technical scope and some closely-related management and commercial provisions.

Table 2: Comparison of Support Template SOWs

| Area | Activity | ASDEFCON (Support) | ASDEFCON (Support Short) |
|-------------------------------|---|-------------------------------------|----------------------------------|
| Operating Support | Operation of Mission Systems | Optional | No |
| | Help Desk | Optional | Optional |
| Engineering Support | Regulatory/Assurance compliance | Optional, 'approved' organisation | Optional, basic compliance only |
| | Engineering Investigations | Optional | Optional |
| | Analyses (eg, obsolescence, supportability) | Optional | No |
| | Major Changes/modifications | Optional | Limited scope option |
| | Minor Changes/modifications | Optional | Limited scope option |
| | Software change development | Optional | No |
| Maintenance Support | Regulatory/Assurance compliance | Optional, 'approved' organisation | Optional, basic compliance only |
| | Maintenance Investigations | Optional (not core for ICT Systems) | Core |
| | ICT Systems Administration | Optional | No |
| | Defence and Contractor information systems | Optional | Optional |
| | Modification Installations | Optional | Optional |
| Supply Support | MILIS or Contractor information systems | Optional | Optional |
| | Procurement of Non-RIs | Optional | Optional |
| | Procurement of RIs | Optional | No |
| | Warehousing (on Defence site) | Optional | No |
| | Stock Assessment, Codification and Cataloguing | Optional | No |
| | Requirements Determination (rate of use models) | Optional | Optional |
| Training Support | Course Delivery | Optional | Optional |
| | Training Materials Support | Optional | No |
| | Student training management | Optional | No |
| Performance Based Contracting | Performance Measurement of Services | Core | Optional, simplified application |
| Quality | Certified QMS | Core | Optional, or Defence QA |

| Area | Activity | ASDEFCON (Support) | ASDEFCON (Support Short) |
|------------|---|---|--|
| Management | Management plans, reports and reviews for each SSCC | Optional (numerous options to scale effort) | Generally no, separate Maintenance Plan only |
| | Data Management System | Core | No |
| | Australian Industry Capability | Core (>\$20m) | Option, use if > \$4m |
| | Improvements/Efficiencies | Core | No |
| | Resident Personnel | Optional | No |
| | Members Required in Uniform | Optional | No |
| | GFF | Optional | No |

To minimise unnecessary effort and management or administrative costs, preference is given to the *ASDEFCON (Support Short)* template, having only a moderate level of Commonwealth visibility and assurance. If required, the services can be scaled up with clauses and Data Item Descriptions (DIDs) transferred from *ASDEFCON (Support)*. However, *ASDEFCON (Support Short)* is unlikely to be used for a contract with services from all five of the Support System Constituent Capabilities (SSCCs) because it does not have the management framework for contracts of that scale. Furthermore, *ASDEFCON (Support Short)* does not allow for GFF or have WHS provisions for work on Commonwealth premises. Due to the overall scope and complexity of some contracts in scenario 3, it may be easier to tailor requirements out of the *ASDEFCON (Support)* template rather than up-scale the *ASDEFCON (Support Short)* template.

Selection in Support Scenario 4

There are two template options to obtain support services in scenario 4:

- *ASDEFCON (Support Short)*, which can be used for a range of recurring services that may be provided to RIs/equipment for one or more of the SSCCs; or
- *ASDEFCON (Standing Offer for Goods and Maintenance Services)* if limited to specified maintenance activities and the provision of consumables and additional RIs; refer to [Step 2A](#).

Procurement officers need to review each of the above templates to identify the one most suited to the required procurement.

Tailoring

Having selected an appropriate SOW template for Materiel Support Services, the next step is to tailor the selected template in accordance with [Step 3](#).

Indirect Materiel Services

Indirect Materiel Services, for the purposes of this Guide, are services related to materiel systems, but which do not apply directly to RIs/individual products (eg, these services do not include physical, 'hands on' maintenance and supply activities). Examples of Indirect Materiel Services include:

- consulting services for the review of materiel sustainment for a system or fleet;
- IV&V of modifications and for performing configuration audits;
- post-depot/post-full cycle docking maintenance certification and quality assurance;
- performing technical analyses including spares optimisation, life cycle costing analysis, maintenance requirements determination, or other forms of supportability analysis;
- providing trade training (eg, generic engine maintenance or forklift operation); and
- supplementing a SPO's technical and product management capability.

Note that in terms of template selection the same templates are used for both Indirect Materiel Services and other services acquired through a non-materiel procurement. Accordingly, Indirect Materiel Services are captured by Non-Materiel Procurements ([Step 4](#)).

Step 2D – Linked and Combined Materiel Acquisition and Support Contracts

Most materiel acquisitions (other than replenishments and urgent operational procurements) will result in a requirement for follow-on support for the materiel. Acquisition and support activities may be arranged separately (eg, support for items acquired through FMS), but in many cases a seamless transition from acquisition to support will be desired by seeking both an acquisition and support contractor (preferably the same or related entities) through a single procurement process. This can be facilitated by issuing a Request for Tender (RFT) that includes both the draft acquisition contract and the draft support contract.

The complexity involved to 'link' together an acquisition and a support contract, under one RFT, will depend upon:

- the complexity of design and development activities under the Contract (Acquisition) – the less mature the design, the less that products and support services can be defined pre-RFT;
- the complexity of the support services to be provided – the more complex the services, the greater the likely range of optional and custom clauses needed for the draft Contract (Support), many of which will depend on Contract (Acquisition) activities that define the support system; and
- the commercial and legal relationship between the acquisition and support contractors.

At the lower level of complexity, *ASDEFCON (Standing Offer for Goods and Maintenance Services)* can be used for both the acquisition of Supplies and some maintenance and supply services, all of which can be defined prior to and acquired under the single contract.

At the high end of complexity, the *ASDEFCON Linkages Modules* contain detailed guidance and drafting instructions to assist users to tailor Acquisition and Support Contracts based on the relevant ASDEFCON templates when seeking a combined acquisition and support solution from a single RFT process (but under separate contracts). These *ASDEFCON Linkages Modules* are discussed in this section.

ASDEFCON Linkages Modules

The *ASDEFCON Linkages Modules* are designed to help 'link' draft contracts based on the ASDEFCON templates for acquisition and support released under a single RFT, through a single Conditions of Tender (COT) template and with a consolidated list of Tender Data Requirements.

The *ASDEFCON Linkages Module (Strategic)* provides the instructions to link *ASDEFCON (Strategic Materiel)* and *ASDEFCON (Support)*. Users should refer to [Annex E](#) for details of on-line resources, including the range of *ASDEFCON Linkages Modules*.

These modules assist users in amending the ASDEFCON templates to design a set of contracting arrangements whereby information developed under the Contract (Acquisition) can be used to inform and update the Contract (Support) and to ensure that the arrangement appropriately recognises and addresses relevant legal, commercial and technical issues. In the more complex templates (such as *ASDEFCON Linkages Module (Strategic)*), Milestones are used to synchronise the Contract (Acquisition) and Contract (Support) through transition from acquisition to the support phases. The modules also assist users to make other template changes designed to address a range of commercial issues associated with a combined acquisition and support RFT, including warranties, postponement, securities, intellectual property, government furnished material, payment provisions and cross-termination rights for the Commonwealth.

The *ASDEFCON Linkages Modules* include guidance with an explanation of the principles relevant to 'linking' the various ASDEFCON templates. The guidance also includes a detailed explanation of new and updated clauses and the changes to be made to the 'standard' template clauses.

Users should also be aware that when using the *ASDEFCON Linkages Modules*, additional changes over those detailed in the module may be required to address the individual materiel acquisition and support program requirements of their particular procurement.

Standing Offers

ASDEFCON (Standing Offer for Goods and Maintenance Services) has been designed to be used for the acquisition and support of off-the-shelf materiel items under a single standing offer deed. Hence, there is no separate requirement when using this template for further tailoring to include appropriate 'linkages' as there is with the other separate acquisition and support ASDEFCON templates. For a more detailed overview of this template see [Annex A](#).

Step 3 – Tailoring ASDEFCON Templates

Having identified the most appropriate ASDEFCON template, the next step is to tailor the selected template(s) for the specific requirements of the procurement in accordance with this [Step 3](#).

Before Tailoring Starts

Standardised Templates

Standard tender and contract documents ensure, to the maximum extent practicable, consistency in the approach used by Defence to engage with industry when acquiring goods and services. This has the benefit of reducing risk, reducing tendering and ongoing administrative costs for both Defence and industry, and allowing Defence to apply a best practice approach across the portfolio, confident that relevant policy and regulatory requirements are being addressed.

In accordance with AAI 2 and the Defence Procurement Manual (DPM), officials must use an endorsed Defence contracting template if one exists for the type of procurement being undertaken. Defence contracting templates are drafted and regularly updated to give effect to applicable Commonwealth legislation and policy, and applicable Defence policy. If using an endorsed Defence contracting template for a procurement for which the template is intended, Defence officials may rely on the template as meeting applicable legislation and policy requirements. Prior to releasing an RFT, a comparison should be made against any updated version of the template used in order to identify recent policy changes and ensure that any relevant changes are added to the RFT.

Wherever possible, the form of the template should be adhered to and bespoke tailoring of the templates should be kept to a minimum with changes limited to only those which are necessary to address the specific requirements of the procurement. Changing clauses for the sake of change is to be avoided; not only will such changes increase cost to both Defence and industry, they risk creating inconsistencies or unintended consequences in the resulting contract. However, some tailoring is unavoidable, as contracts need to be customised to the specific goods and services required and the circumstances of the procurement. When tailoring, clauses should only be added, modified or deleted consistent with the advice provided in the applicable handbook or tailoring guide, or after seeking advice from the relevant legal, procurement or technical specialist.

Drafters should refer to, where available, applicable handbooks or tailoring guides for the template being used.

Strategic Direction

Template selection and tailoring should be shaped and informed based on the requirements of the procurement, corporate level strategies and policies, and directions and guidance given by senior executives (eg, for matters that span multiple capabilities, materiel systems and/or related procurement activities). Such strategic direction, as contained in the applicable project documentation (such as the Integrated Project Management Plan (IPMP), Support Procurement Strategy (SPS) or Delegate Submission), may define:

- the need for one or more contracts, using one or more different contract templates;
- the goods and services to be procured by each contract;
- the main characteristics of each contract, such as:
 - major Supplies to be acquired and options for additional quantities;
 - support contract term (duration) and options to extend;
 - milestones;
 - intellectual property and technical data requirements;
 - performance measures and performance review requirements; and
 - interfaces with Defence and other related parties.

Drafters will use the information gathered from the sources above when tailoring the selected template.

The potential reliance on existing contracts to implement any part of a 'new' acquisition or support requirement will also influence the scope and tailoring of a draft contract. For example, the JLC-managed warehousing and distribution, and Land Materiel Maintenance contracts both act as multi-user contracts for new and existing materiel systems (or provide services as GFS in other contracts). These contracts may be used in place of, and reduce the scope of, the services in a new support contract.

Tailoring Templates

Typical 'Tailoring' Process

Although the tailoring process may vary from one contract to the next, a generic process for tailoring the larger materiel acquisition and support ASDEFCON templates is outlined in Figure 10.

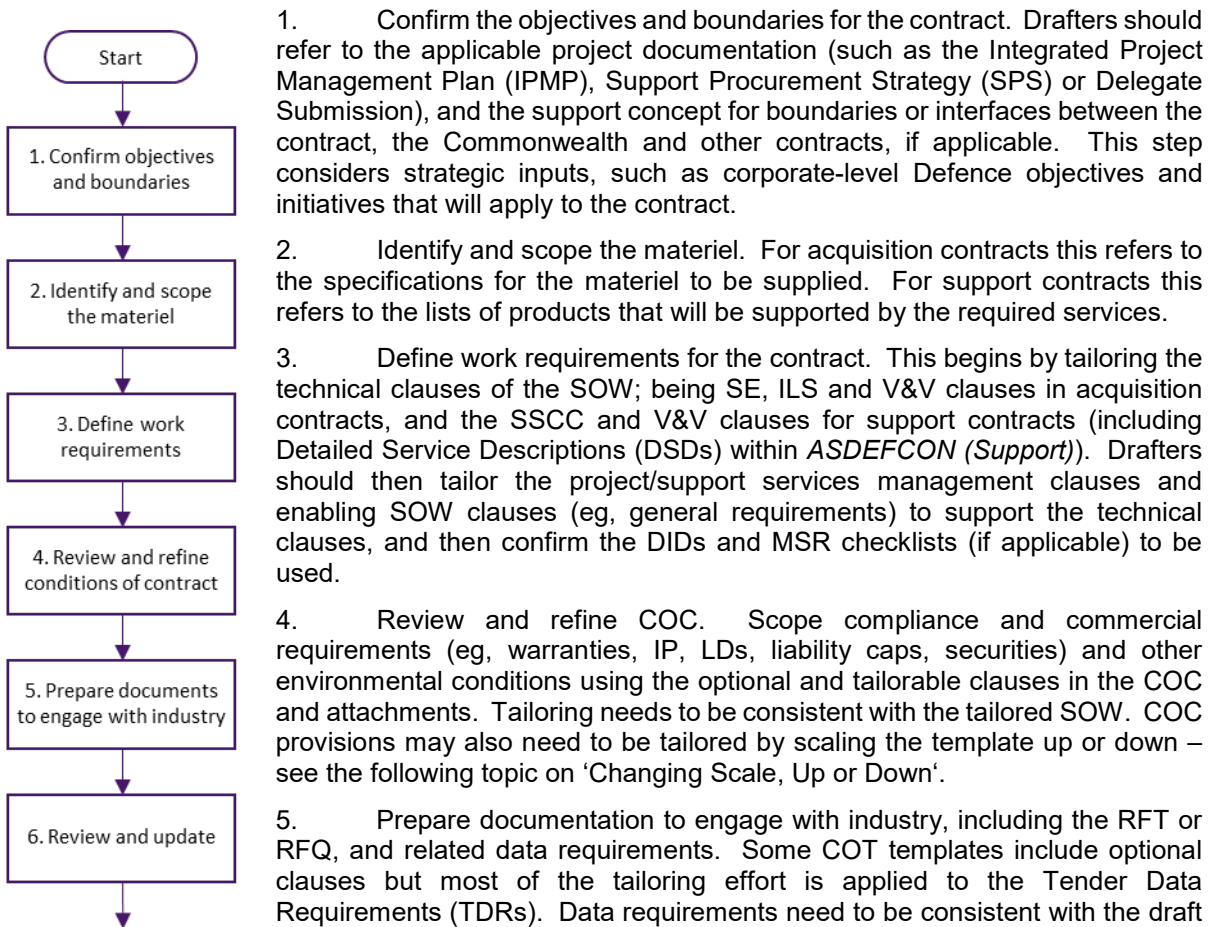


Figure 10: Typical Tailoring Process

1. Confirm the objectives and boundaries for the contract. Drafters should refer to the applicable project documentation (such as the Integrated Project Management Plan (IPMP), Support Procurement Strategy (SPS) or Delegate Submission), and the support concept for boundaries or interfaces between the contract, the Commonwealth and other contracts, if applicable. This step considers strategic inputs, such as corporate-level Defence objectives and initiatives that will apply to the contract.
2. Identify and scope the materiel. For acquisition contracts this refers to the specifications for the materiel to be supplied. For support contracts this refers to the lists of products that will be supported by the required services.
3. Define work requirements for the contract. This begins by tailoring the technical clauses of the SOW; being SE, ILS and V&V clauses in acquisition contracts, and the SSCC and V&V clauses for support contracts (including Detailed Service Descriptions (DSDs) within *ASDEFCON (Support)*). Drafters should then tailor the project/support services management clauses and enabling SOW clauses (eg, general requirements) to support the technical clauses, and then confirm the DIDs and MSR checklists (if applicable) to be used.
4. Review and refine COC. Scope compliance and commercial requirements (eg, warranties, IP, LDs, liability caps, securities) and other environmental conditions using the optional and tailorable clauses in the COC and attachments. Tailoring needs to be consistent with the tailored SOW. COC provisions may also need to be tailored by scaling the template up or down – see the following topic on 'Changing Scale, Up or Down'.
5. Prepare documentation to engage with industry, including the RFT or RFQ, and related data requirements. Some COT templates include optional clauses but most of the tailoring effort is applied to the Tender Data Requirements (TDRs). Data requirements need to be consistent with the draft contract but should also be limited to that which is necessary and relevant to tender evaluation and source selection. The TDRs should seek enough information to enable selection of the preferred tenderer(s) and not seek information that is only used later for management of any resultant Contract; this reduces the cost and effort of tendering for everybody.
6. Review and update the RFT (or RFQ) package. This process may involve peer review or an executive ('red team') review for high risk contracts. Prior to the release of an RFT based on any mid-level or high-level ASDEFCON template, a matrix of changes identifying all template changes to the COT, COC and relevant attachments should be prepared using the table in the template preliminary pages and included in the RFT.

There are a number of likely variations to the preceding process for tailoring an ASDEFCON template. For example, if major acquisition and support contracts are being released together, a number of steps would be performed in parallel and one RFT would be prepared for both draft contracts using the *ASDEFCON Linkages Module* (refer to [Step 2D](#)). Other variations include using a Request for Information (RFI) to obtain market information prior to drafting the contract, or a release of draft contract documents to industry may be used in order to obtain feedback. Such variations should be described

in the applicable project documentation (such as the Integrated Project Management Plan (IPMP) or Support Procurement Strategy (SPS)).

Categories of ASDEFCON Clauses

Within ASDEFCON templates, clauses are categorised as 'RFT Core', 'Core' including 'Core Options', or 'Optional'. These categories are annotated against heading clauses and in guidance, and the annotation applies to all subordinate clauses unless designated otherwise. These annotations are deleted before the RFT is released as all clauses, including template options, become requirements.

RFT Core

These clauses should not be deleted from the RFT released to tenderers. Tailoring of these RFT Core clauses should be kept to a minimum and they should only be deleted or changed if specialist legal or contracting advice has been obtained or if the changes relate to procurement specific tailoring such as inserting names or time periods.

Depending on a tenderer's response, these clauses may not be included in the final contract. When the clause is included, it is to be treated as a 'Core' clause in accordance with the guidance below.

Core

These clauses should not be deleted from the RFT or contract, unless it is in the SOW and subordinate to an optional clause that is being deleted. Tailoring of these Core clauses in the COT and draft COC should be kept to a minimum and they should only be deleted or changed if specialist legal or contracting advice has been obtained, or if the changes relate to procurement specific tailoring such as inserting names or time periods.

Where a SOW clause is marked as 'Core', the tailoring guide (if available) should be consulted in the first instance and then specialist technical advice may need to be sought prior to tailoring the clause.

Core Options

Within the SOW, Core Options provide two or more alternative clauses to meet a Core requirement. For example, planning will be core for a specific function and Core Options allow for either a stand-alone plan or for planning to be included in a higher-level plan, hence one of the clauses (or sets of clauses) needs to be included in the contract. Like other Core clauses, Core Options are to be deleted when subordinate to a higher level optional clause that is deleted (ie, when the function is not required).

Optional

Optional clauses ensure consistency when including common requirements into the RFT and draft contract. 'Optional' means that the clauses will not be needed in every contract using the template, but the clauses should generally be included when the requirement is applicable to the contracting situation. Throughout the templates optional clauses usually appear inside paragraph borders or 'boxes'.

If the optional clause is included within the COT or draft COC, the template wording of the clause should not be amended unless specialist legal or contracting advice has been obtained.

If a SOW clause is marked as 'Optional', it can be included or omitted according to the scope of work, the Supplies and/or the services required under the contract. However, before making changes, drafters should consult the SOW handbook or tailoring guide for that template, which provide guidance for consideration when making changes to the clause, and may also include additional draft clauses. Specialist technical advice should be sought prior to tailoring the wording of these clauses.

Any tailoring of Optional clauses should be kept to a minimum and only tailored to meet the requirements of the procurement.

Although clauses may be marked as Optional, it may not be possible to delete them in isolation without also updating other related template clauses. Many clauses interact with other clauses, attachment, annexes and DIDs; hence, to remove a standard template requirement may involve a number of flow-on changes. For example, some requirements are split between the SOW to identify the work and the COC to identify compliance conditions governing that work – both clauses would need to be deleted, if optional and not required. Also, if transferring a clause from another template, several inter-related clauses may also need to be relocated or updated.

Data Item Descriptions

Clauses within DIDs are not marked as Core or Optional. However, tailoring of DIDs should be kept to a minimum. DIDs have been developed to accommodate the broadest application, and changes to naming conventions or other alterations can have unintended ramifications for other sections of the contract. Furthermore, many Defence contractors have developed their standard management plans and other data items to match the DIDs and any unnecessary change could result in additional costs.

To ensure broad applicability while minimising any need for tailoring, many DIDs adopt a concept of 'self-tailoring'. This means that certain clauses only apply in response to tailoring that has occurred elsewhere in the contract. An example is a clause that is worded 'if the Contract requires [X] the [name of data item] shall include...'. If the contract does not require '[X]' then no action is required by the contractor, even though the clause was not deleted from the DID.

Details Schedule and Information Table

Most templates include a details schedule containing an information table located at the front of the COC and COT. The details schedule identifies unique or optional values applicable to the RFT/contract (eg, contact details, times, dates, locations, periods, amounts, Division 2 of the CPRs etc) and avoids the need to insert these values that vary across procurements into one or more clauses throughout the COC and COT. As a result, tailoring of the COC and COT is simplified. For reviewers familiar with the templates, a details schedule means that they can review key components of a draft COC and COT simply by referring to the details schedule. Defined terms that have a standard template meaning across procurements are located in the template's Glossary.

Tender Data Requirements

It is critical when drafting an RFT package to only ask for the information that is necessary to evaluate the submitted bids and make a source selection decision (ie, not seek additional information needed to manage the contract, which can be developed later by the preferred tenderer). Drafters need to carefully consider their tender requirements and ensure that an appropriate level of documentation is requested commensurate with the complexity of the requirements, overall risk profile, and anticipated relevant tenderer discriminators.

A number of Tender Data Requirements (TDRs) require tailoring. Some acquisition templates need the drafter to insert operating and support concepts, specifications and other information. For example, the price and delivery TDR in *ASDEFCON (Complex Materiel) Volume 1* forms the basis of a procurement list for equipment and support resources, and identifies how many items CASG intends to purchase. Some TDRs ask for draft technical plans either as whole plans or by addressing only selected clauses from the relevant DIDs. For these plans, seeking only the information needed for evaluation (ie, asking for the minimum) is preferable to the whole plan, but the DID clauses listed in the template TDRs should be reviewed and tailored if necessary.

Notes in the Template

There are several types of notes in the templates intended to aid understanding and tailoring. These are explained below.

Notes to drafters

Notes to drafters inform drafters of the tailoring requirements for a clause. These may identify information to be inserted, provide an overview of the purpose of the clause to inform tailoring, and/or identify sources of further guidance (eg, a handbook). Notes to drafters are to be deleted before releasing the RFT (to 'tidy-up') but should not be deleted until after the applicable clause has been tailored.

Option notes

Option notes appear inside option boxes and identify conditions for when an optional clause should be included or not included. Where there is more than one option, a note to drafters usually precedes the clauses to explain the set of options available. Option notes are to be deleted once the applicable optional clause(s) have been selected and before release of the RFT.

Notes to tenderers

Notes to tenderers in TDRs provide additional information to tenderers regarding the expected response to those TDRs. Notes to tenderers in the draft contract identify where the inclusion of a clause, or details within a clause, will depend on the proposal presented by the preferred tenderer. These notes are also informative for drafters. Notes to tenderers in the draft contract are to be included in the RFT released to market and deleted prior to contract signature.

Notes

Notes are used to provide both Commonwealth and contractor staff with additional information such as an important cross-reference to a related clause or attachment.

Word Processing

The ASDEFCON templates have been developed using Microsoft Word® styles to manage headings, clause numbers, and other styles. Two Microsoft Word® templates are used to load the styles and a Microsoft Word® toolbar (ribbon). The templates and instructions for installation are available from:

<https://www.defence.gov.au/business-industry/procurement/contracting-templates/asdefcon-suite/toolbar-style-set-and-user-guides>.

Once the Microsoft Word® templates are installed and attached to a document via the tack button on the toolbar, Microsoft Word® styles can be applied by selecting text and clicking the appropriate button on the toolbar. A complete list of styles can be displayed in the 'styles and formatting task pane'.

Changing Scale, Up or Down

As mentioned previously in this Guide, template selection is driven by the 'best fit' SOW for the procurement's scope of work. This means that once a template has been selected on the basis of the SOW and tailored to reflect the specific work requirements of the procurement, the rest of the template (ie, COT and COC) needs to be reviewed and tailored to ensure it is appropriate for addressing the commercial risks relevant to the procurement. While the commercial risks will often follow the technical risks (eg, highly complex work will generally be coupled with high commercial risk) and there will be no need for significant tailoring of the commercial provisions, this will not always hold true. For example, if a low technical risk procurement leads to the choice of a lower order template but the procurement is high value (eg, procuring a fleet of non-developmental systems) there may be a need to 'upscale' the commercial provisions to manage the higher level of commercial risk.

As indicated in Figure 6 and Figure 8, materiel acquisition and support contracts occur across a broad spectrum of procurements, ranging from the relatively simple to the highly complex. ASDEFCON templates have been written for broad application, but the standard optional clauses cannot address all possibilities and, on occasion, more comprehensive changes may be needed. If a close match between a specific contract's needs and the available templates cannot be found, options include:

- scaling up a low complexity template using clauses from a more complex template; or
- scaling down a more complex template through consolidation, deletion or by replacing clauses with those from lower complexity templates.

Not every possibility for up-scaling and down-scaling can be covered by this Guide; however, a number of principles are discussed in the following paragraphs.

Up-scaling the Statements of Work

To avoid the management overhead of a more complex template and to minimise the costs of tendering for both industry and Defence, the preference is to begin with a low complexity template and scale up that template with selected requirements transferred from a more complex template, as necessary to address the specific requirements of the procurement. For example, if a contract 'falls between' ASDEFCON (*Strategic Materiel*) and ASDEFCON (*Complex Materiel*) Volume 2, drafting would begin with the ASDEFCON (*Complex Materiel*) Volume 2 template. In this example, if a new subsystem requires significant design and development to be integrated into a platform, but support will 'plug into' existing arrangements, the SE requirements may be expanded with clauses from ASDEFCON (*Strategic Materiel*) while the ILS clause would be tailored as usual. Alternatively, if the prime equipment is off-

the-shelf but a new and complex support system is to be established to enable in-country operations, then the standard SE clauses may be tailored (in the usual way) while the ILS requirements of the *ASDEFCON (Complex Materiel) Volume 2* template would need to be expanded with clauses and data items from *ASDEFCON (Strategic Materiel)*.

Scaling up the *ASDEFCON (Complex Materiel) Volume 1* is restricted due to the different process used for this template (essentially, most of the analysis is performed by tenderers when preparing tender responses). However, *ASDEFCON (Complex Materiel) Volume 1* requirements could be expanded with DIDs from higher complexity templates with more specific data requirements (eg, for training materials) or by defining a more detailed V&V program using *ASDEFCON (Complex Materiel) Volume 2* clauses for guidance.

For support contracts that 'fall between' *ASDEFCON (Support)* and *ASDEFCON (Support Short)*, the *ASDEFCON (Support Short)* template can be scaled up using clauses from *ASDEFCON (Support)* SOW, including DSDs. Measurement, and therefore management, of contractor performance can also be expanded by including the Performance Based Contracting Annex to Attachment B to the COC in *ASDEFCON (Support Short)*, which links performance to payments. The *ASDEFCON (Support Short)* template is not intended for a broadly scoped contract with complex services from every SSCC, or as a PBC with strategic-level performance measures; hence, its management provisions are simple and limited. Accordingly, if many areas of the template need to be 'up-scaled' it can be easier to start with the *ASDEFCON (Support)* template and scale-down.

Up-scaling the Conditions of Contract

In some instances, a lower complexity template will be appropriately selected for its SOW when it may also have a relatively high contract value or other significant commercial risks. In such cases, the COT and/or COC (and annexes/attachments) of the selected template may need to be expanded with clauses from a higher level template to ensure the resultant COT and COC (and annexes/attachments) are appropriate to address the commercial/legal risks associated with the procurement and to meet all applicable Defence and whole of government policy requirements.

Specifically, drafters need to be aware that some Defence and whole of government policy requirements only apply to procurements above a certain monetary value and, rather than include provisions implementing those policies in all *ASDEFCON* templates, the decision was made in the interests of efficiency, to only include the required implementing provisions in *ASDEFCON* templates that would typically be used for procurements above the relevant monetary threshold. In circumstances where this assumption doesn't hold true (eg because a lower order template has been selected for a higher value procurement), the COT and COC (and annexes/attachments) of the selected template may need to be supplemented to ensure compliance with the full range of applicable policy requirements. For example, if *ASDEFCON (Complex Materiel) Volume 1* was selected for the procurement of multiple off-the-shelf items with a total anticipated price above \$20 million, the Australian Industry Capability (AIC) provisions would need to be supplemented with provisions taken from *ASDEFCON (Complex Materiel) Volume 2* to ensure full compliance with all AIC requirements.

To assist users to understand when template changes may be required for policy reasons, a table of procurement connected policies headed '[Procurement Connected Policies Affecting the ASDEFCON RFQ/RFT Templates](#)' has been included at [Annex B](#). This table lists relevant procurement connected policies that apply to *ASDEFCON* RFQ/RFT templates, the monetary threshold applicable to each procurement connected policy, and those *ASDEFCON* templates that do **not** include clauses for implementing the procurement connected policy because it is considered that the template would not typically be used for procurements above the applicable monetary thresholds. As explained above, in the event a template is used for a procurement activity above an identified policy threshold, drafters would need to include the relevant clauses for that procurement connected policy by copying them from a higher level template.

A summary table indicating how the COC provisions build from the low-level to high-level templates is also included at [Annex C](#) under '[ASDEFCON Conditions of Contract/Deed Key Concept Map](#)'.

Scaling down the Templates

The *ASDEFCON* templates were each developed to fit a range of contracts within typical 'work' scenarios. Where, in some respects, the selected template contains more onerous requirements than necessary for one aspect of the procurement (eg, because, for certain other aspects, a more complex

template was required) the template may be 'scaled down' by consolidating, reducing or deleting standard unnecessary requirements contained in that template.

As an example of consolidating requirements, *ASDEFCON (Complex Materiel) Volume 2* combines some mandated system reviews (eg, requirements reviews and design reviews) but these can be further consolidated when the design and development program is less complex than reflected in the template's standard clauses (which also reduces the length of the contract's schedule). Management plans and reports may also be rolled-up into higher-level plans and reports, as applicable. In *ASDEFCON (Support)*, for example, most (not all) program plans can be rolled-up into the Support Services Management Plan using standard optional clauses.

With caution and appropriate advice, core clauses may also be deleted when scaling down a template on the basis that the template was intended for a higher complexity procurement scenario than the contract being drafted. Handbooks and tailoring guides, as applicable, and specialist advice should be sought in order to gain a thorough understanding of the purpose and applicability of each core clause before it is deleted from the draft contract developed using the selected template.

Payment Models

The ASDEFCON templates are largely based on fixed and firm-priced payment models, which supports the evaluation of 'value for money', where a bound scope can be priced and tenders compared. In simple terms, a fixed price has a known dollar value while a firm price enables the known value to be adjusted for changes in the cost of labour and materials and, if applicable, foreign exchange rates. Fixed prices are used for short-duration contracts and the firm-priced payment model (ie, including price adjustments) is used in templates for contracts that last longer than a year. Payments may be made by milestone, for deliveries, or on a monthly basis for on-going services, depending on the template used.

In simpler acquisition contracts, payment is generally made following the delivery of Supplies. For more complex and longer duration acquisition contracts, milestones are used to recognise the tangible value achieved for the Commonwealth as the contract progresses, even though Supplies may not be delivered until much later in the contract. In general, payment is not made until the delivery or milestone is successfully completed. Depending on contract complexity, and the template used, this generic pricing and payment model may be varied by mobilisation payments, partial suspension of a milestone payment (ie, if a milestone was only partially completed) and/or an incentive payment (if applicable benefits can be achieved).

While firm-priced models also apply to support contracts, the *ASDEFCON (Support)*, *ASDEFCON (Support Short)* and the *ASDEFCON (Standing Offer for Goods and Maintenance Services)* templates include provisions for survey and quote services, allowing payment for services that cannot be accurately forecast in advance of the contract being signed. However, the majority of the contract value is still expected to be firm-priced for on-going services, or 'per order' in the case of standing offers. *ASDEFCON (Support)* also includes performance-based payments as a standard feature (which modifies the amount paid in response to the service outcomes achieved). Performance payments are an option that can be included in *ASDEFCON (Support Short)* and *ASDEFCON (Complex Services)*.

Whilst a fixed or firm-price payment model will be appropriate for many procurements, it may not be appropriate where a large portion of the scope of work is unclear, for example where the project involves the acquisition of a developmental materiel system or where a new support solution is unclear, and the contractors are not in a position to take the risk of a firm-price contract. In such circumstances it may be necessary to consider an alternative payment model such as a 'cost plus with ceiling' or 'target cost incentive model' for a portion of the contract, or another payment model where an inability to adequately define scope results in cost-related risks being shared between the parties.

The adoption of an alternative payment model will typically require additional management overheads, in order to obtain full cost (not price) visibility of the shared risk, and significant amendment to the templates, in particular to the pricing attachment and payment clauses. Consequential amendments will also need to be considered for a different payment model; for example, changes to performance payments (eg, in support templates) become highly complex if the price for recurring services varies month-to-month.

Commonwealth contract developers and negotiation teams should refer to the CASG Profit Principles and seek advice from CASG Commercial and Financial Analysis if considering a different pricing / payment model. The principles recognise reward for risk and some models, such as 'cost plus margin' or 'target price', where the Commonwealth takes on more cost-related risk, have lower profit margins.

Specialist advice should be obtained before making changes to the price and payment models in the ASDEFCON templates.

Step 4 – Non-Materiel Procurements

Non-materiel procurements (as categorised in this Guide) include a range of procurement activities that are not related, or not directly related, to the acquisition and support of materiel. For example, construction of a maintenance workshop may be related to the support of a materiel system but it is not a materiel procurement. A template and contract selection logic is included in Figure 11.

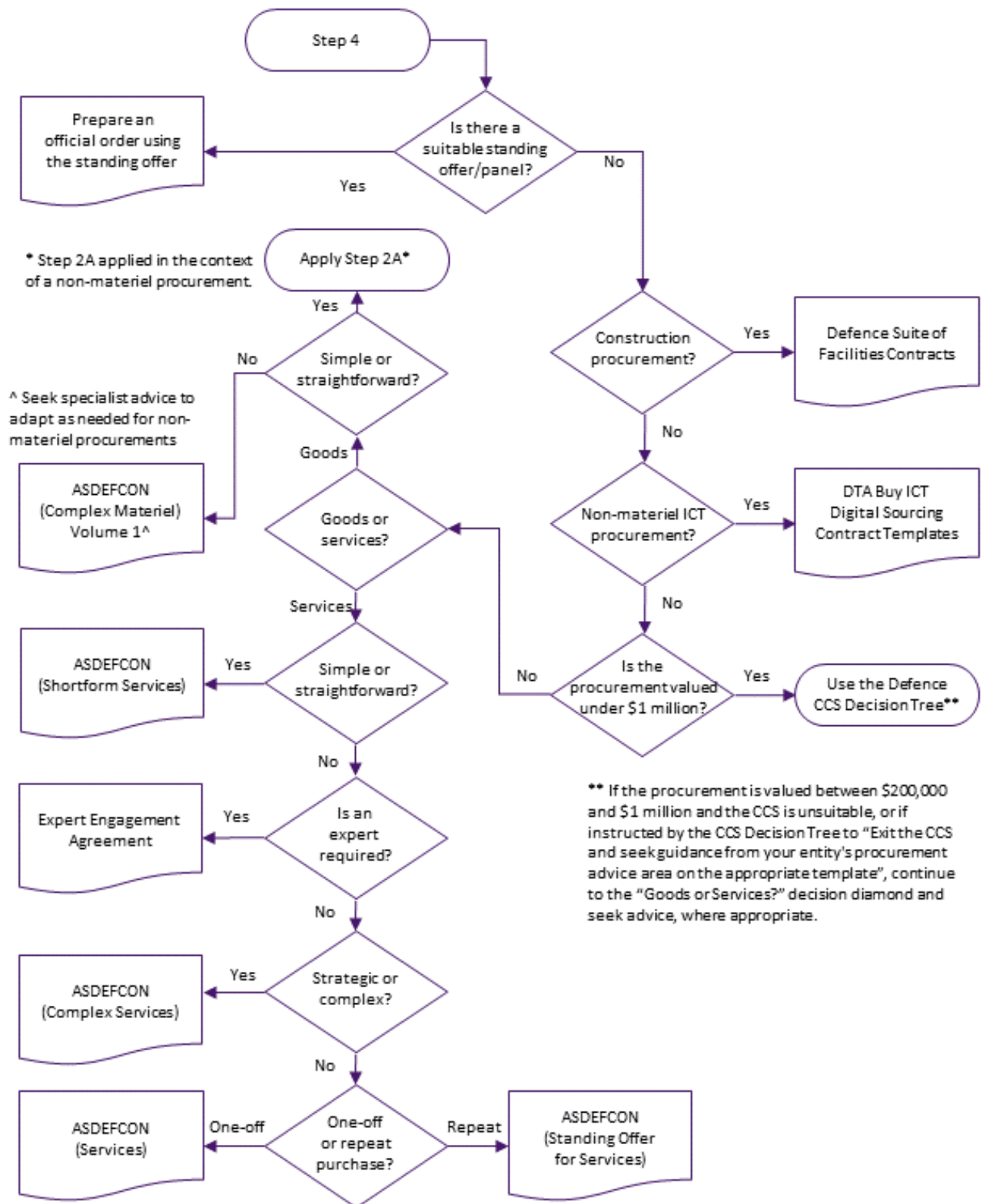


Figure 11: Non-Materiel Procurements

Contracts for some non-materiel procurements can be prepared using ASDEFCON templates while other contracts would need to be prepared using other templates or existing panel contracts or standing offer arrangements.

ASDEFCON Suite

The following templates may be used for the non-materiel procurement of services:

- *ASDEFCON (Shortform Services)*, including its General Conditions of Quotation and Request for Quotation Proforma (modified from Form AC565), when straightforward non-materiel services are required, such as clerical, administrative, basic trades, gardening, cleaning and consultancy services requiring only basic commercial provisions;
- *Expert Engagement Agreement*, for when an expert is required to provide strategic-level consulting services or to participate on governance boards;
- *ASDEFCON (Services)*, for use where none of the existing panels can be utilised;
- *ASDEFCON (Standing Offer for Services)*, where the services that could be acquired using *ASDEFCON (Services)* are required on a repeat basis;
- *ASDEFCON (Complex Materiel) Volume 1*, adapted as necessary to suit a non-materiel procurement, when the purchase of non-materiel goods is a complex procurement; and
- *ASDEFCON (Complex Services)*, where strategic or more complex non-materiel services are required.

For a summary of each of the above templates refer to [Annex A](#).

Simple Procurement templates (eg, Form SP020 and *ASDEFCON (Shortform Goods)*, etc) may be used to acquire non-materiel goods in aid of on-going services (refer to [Step 2A](#)).

Utilising existing Standing Offers/Panels

In accordance with Figure 11, before drafting a new contract and running a procurement process, procurement officers should determine if an existing standing offer or panel arrangement exists that covers the identified need and, if so, make use of that contracting arrangement to acquire the relevant goods or services.

Details and points of contact for existing Whole of Government and Defence standing offers and panels can be accessed from the 'Panels' website on the Commercial Division intranet. Details and points of contact for existing standing offers can also be accessed from under the '[Standing Offers](#)' tab on the AusTender website.

Construction Procurements

Defence officers should seek advice in the first instance from Security and Estate Group (SEG) for their construction procurement needs. Capital Facilities and Infrastructure Branch (CFI) within Infrastructure Division, SEG, is responsible for planning, developing and delivering capital facilities and infrastructure projects across the Defence Estate. CFI operates an outsourced model where it procures, manages and administers contracts for various consultants and contractors to manage, design, construct and provide specialist advice in support of capital facilities and infrastructure projects.

CFI established and manages the two [Defence Infrastructure Panels](#) for infrastructure related professional services and the [Defence Suite of Facilities Contracts](#), which must be used for construction procurements.

The Defence Suite of Facilities Contracts is comprised of procurement and contracting resources for each contracting methodology available to plan, develop and deliver a capital facilities and infrastructure project. The Defence Suite of Facilities Contracts includes, for example, the following templates:

- Head Contract;
- Managing Contractor Contract;

- Early Involvement Head Contract;
- International Contracting;
- Estate Works Program;
- Medium Works Contract;
- Minor Works Contract; and
- Design Services Contract.

For further information, contact CFI's Directorate of Quality and Compliance, at cfi.programassurance@defence.gov.au.

Non-Materiel ICT Procurements

This section describes some of the template options available for ICT procurements, however Defence officers should not proceed with using any of these templates without first seeking advice from their CASG Commercial Division Contracting Officer, which can be done via defence.procurement@defence.gov.au. Non-Materiel Procurement Branch within Commercial Division provides support for ICT sourcing needs, appropriate procurement approaches and contracting template selection.

Defence Digital Group (DDG, formerly CIOG) is responsible for delivering ICT hardware, software and support services to enable Command, Control, Communications, Computing, Intelligence, Surveillance, and Reconnaissance (C4ISR), Defence's corporate functions, and services for individual users. DDG also manages the Defence ICT Provider Arrangement, a panel designed for the procurement of ICT Personnel Resources Services, Application Development and Application Maintenance Services, and Systems Integration Services.

The [BuyICT](#) website is managed by the Digital Transformation Agency (DTA), and provides guidance on the 'Digital Sourcing Lifecycle' – essentially, the procurement lifecycle of an ICT procurement. It provides various options for sourcing digital products and services, including a list of [Digital Certified Panels](#) and the DTA's [Digital Sourcing Contract Templates](#).

The Digital Sourcing Contract Templates are designed to cater for the procurement of relatively low risk and low value:

- COTS hardware acquisition and maintenance;
- COTS software (including licencing and/or licencing support);
- digital sourcing;
- cloud services; and
- ICT consultancy services.

Commonwealth Contracting Suite – Procurements valued under \$1 Million

The Commonwealth Contracting Suite (CCS) is an interactive suite of smart forms developed and maintained by the Department of Finance and designed to assist Commonwealth Government procurement officials prepare procurement documentation for procurements valued under \$1 million (GST inclusive). The interactive CCS portal assists users to compile an Approach to Market (ATM) and Commonwealth Contract or Deed of Standing Offer which meets the user's needs according to the data the user inputs into the CCS. Users will need to create an account and log in to access the interactive CCS including the CCS Decision Tree.

In accordance with [Resource Management Guide 420](#), Defence staff must use the CCS for procurements valued under \$200,000 (GST inclusive), and must consider using the CCS for procurements valued between \$200,000 and \$1 million (GST inclusive), unless the procurement has been assessed as exempt from this requirement, for example by applying a Defence specific exemption (pursuant to CPR 2.6). The CCS Decision Tree assists users in determining whether to use the CCS and is available from the interactive CCS on the Department of Finance website:

<https://www.finance.gov.au/government/procurement/commonwealth-contracting-suite-ccs>

This decision tree asks a series of questions that exempts the use of the CCS for particular types of procurements. A key exemption is for procurements of specialist military goods or services or procurements utilising the CPR 2.6 exemption.

The CCS comprises a range of document suites for:

- Goods;
- Services;
- Goods and Services; or
- Consultancy Services.

Each document suite comprises:

- an Approach to Market (ATM);
- the Response to Approach to Market; and
- the Commonwealth Contract.

The document suites have standard ATM Terms and Contract Terms and a Glossary which applies to all of the documents in the suite. The Department of Finance has also developed a bank of specific additional terms that can be added to the standard Commonwealth terms, as necessary for an individual procurement. These are added as appropriate as users work through the interactive CCS portal.

For further information on the use of the CCS, refer to the Simple Procurement Process Tool or Complex Procurement Guide¹³ and the CCS.

¹³ See Complex Procurement Guide, Chapter 3, paragraphs 133-137.
V3.0

Step 5 – Disposal of Defence Asset Templates

The currently available ASDEFCON Defence Asset templates are:

- *ASDEFCON (Loan of Defence Asset)*, used to temporarily transfer a Defence asset to a borrower without payment for use but with the payment of a security deposit.
- *ASDEFCON (Hire of Defence Asset)*, used to temporarily transfer a Defence asset to the hirer in return for payment to the Commonwealth.

Contracting or disposal officers requiring a template for the sale or gift of a Defence Asset should contact the [Australian Military Sales](mailto:ams.mailbox@defence.gov.au) team at ams.mailbox@defence.gov.au for assistance in developing an appropriate sale or gift contract. CASG's Disposal Services Branch also offers assistance for the disposal of ex-ADF platforms and equipment, and can be contacted at disposal.services@defence.gov.au.

These templates are to be used and tailored in conjunction with requirements defined by the relevant policy, including the below parts of the Defence Logistics Manual (DEFLOGMAN), when applicable:

- DEFLOGMAN Part 2, Volume 5, Chapter 10, *Defence Disposal Policy*;
- DEFLOGMAN Part 2, Volume 5, Chapter 29, *Hire and Loan of Relevant Property to and from Sources External to Defence*;
- DEFLOGMAN Part 2, Volume 9, Chapter 1, *Management of Explosive Ordnance*; and
- DEFLOGMAN Part 3, *Electronic Supply Chain Manual*.

The Defence asset template selection process is depicted in Figure 12.

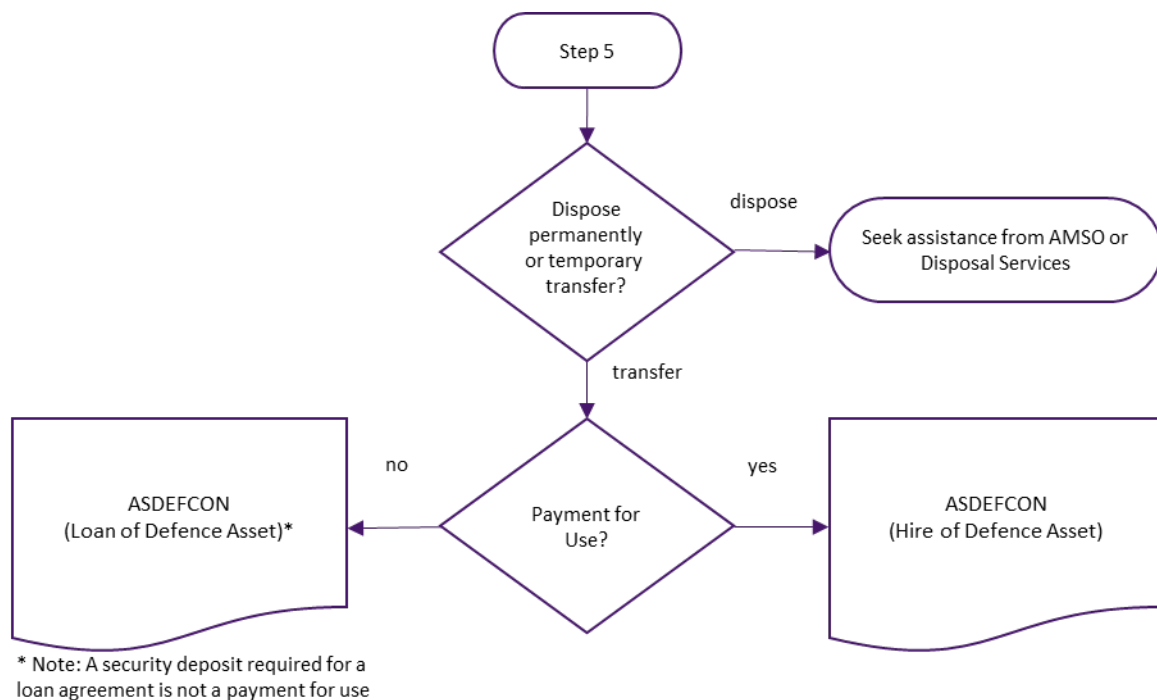


Figure 12: Selection of a Defence Asset Template

Annex A: Summary of ASDEFCON Templates and Sponsored Forms

This annex includes an overview and a brief summary of the ASDEFCON templates and forms sponsored by First Assistant Secretary, Procurement and Contracting. Further information is contained on the [ASDEFCON internet website](#) and within the handbooks and tailoring guides applicable to individual templates.

Overview of the ASDEFCON Templates and Forms

High-Level Procurement Templates

- ASDEFCON (Strategic Materiel)
- ASDEFCON (Complex Materiel) Volume 2
- ASDEFCON (Support)

Mid-Level Procurement Templates

- ASDEFCON (Complex Materiel) Volume 1
- ASDEFCON (Support Short)
- ASDEFCON (Complex Services)
- ASDEFCON (Standing Offer for Goods)
- ASDEFCON (Standing Offer for Services)
- ASDEFCON (Services)

Low-Level Procurement Templates

- ASDEFCON (Standing Offer for Goods and Maintenance Services)
- ASDEFCON (Shortform Goods)
- ASDEFCON (Shortform Services)
- Form SP020 Purchase Order and Contract
- Form AC565 Request for Quotation

Staged Procurement Templates

- ASDEFCON (Request for Proposal)
- ASDEFCON (Invitation to Register)

Market Sounding Template

- ASDEFCON (Request for Information)

Disposal and Temporary Transfer of Defence Asset Templates

- ASDEFCON (Hire of Defence Asset)
- ASDEFCON (Loan of Defence Asset)

ASDEFCON materiel acquisition and support templates are intended for use across different Defence environments, and are not specific to any one domain. However, for many contracts, domain-specific regulatory or assurance requirements will need to be applied. As an example, the Defence Aviation

Safety Authority (DASA) has developed an 'Aerospace module' for use in aerospace contracts (which works with different ASDEFCON templates).

ASDEFCON (Standing Offer for Goods), ASDEFCON (Standing Offer for Services) and ASDEFCON (Standing Offer for Goods and Maintenance Services) are the ASDEFCON (Complex Materiel) Volume 1, ASDEFCON (Services) and ASDEFCON (Shortform Goods) templates in a standing offer form respectively.

The COC for the low-level procurement templates are derived from the Simple Procurement Form SP020. Consequently, they do not contain complex commercial provisions such as:

- special conditions relating to intellectual property, liquidated damages or financial or other securities; and
- options to change the scope or extend the term of the contract/standing offer.

A summary table indicating how the COC provisions build from the low-level to high-level templates is included at [Annex C](#) under 'ASDEFCON Conditions of Contract/Deed Key Concept Map'.

ASDEFCON (Strategic Materiel)

ASDEFCON (Strategic Materiel) is intended for large-scale design, development and integration projects, and/or software intensive systems with complex integration or highly developmental requirements. These projects typically involve the acquisition of new major systems (eg, platforms, vehicles or complex electronic systems) once an initial analysis has determined that no off-the-shelf solutions exist or are suitable. Other applicable projects can include major development-based modernisation programs for existing systems (eg, a mid-life upgrade). The technical complexity of these programs involve a high-to-very high risk, as it may incorporate evolving technology into the design, be software-intensive, and require systems-integration of multiple subsystems or 'system-of-systems' integration. In a typical project, a prime contractor would combine modern communications, computing, weapon systems and sensors into a platform with components sourced from many suppliers, and a large Defence project team would be required to achieve visibility across the scope of the contract.

ASDEFCON (Strategic Materiel) includes governance and assurance mechanisms applicable to high levels of risk, including in relation to both project management and technical disciplines. Systems Engineering (SE) and Integrated Logistic Support (ILS) programs have a 'do everything' approach, meaning that these disciplines are applied 'in full' to the design and development of the new materiel system (ie, mission systems and support system) over three or more years, prior to production. *ASDEFCON (Strategic Materiel)* applies only to more complex MCE developmental projects and require considerable project office and external support resources.

Template users should also note that this template includes 'supplementary' DIDs from other ASDEFCON templates, which are included in the template download pack.

ASDEFCON (Complex Materiel) Volume 2

ASDEFCON (Complex Materiel) Volume 2 is intended for procurements with medium to high technical risk involving design, development and integration, but which do not justify the use of the *ASDEFCON (Strategic Materiel)* template.

ASDEFCON (Complex Materiel) Volume 2 is applicable to medium to high risk design, development and integration projects, which may also include some lower-complexity 'system-of-systems' integration and software development. Typically, major components of the solution exist but considerable effort is required to integrate these or to develop new components and/or interfaces. For example, a new subsystem may be integrated into a number of platforms, or existing off-the-shelf solutions may require modifications to be interoperable with systems already in service. In this situation, design effort is concentrated on the interface between the new and existing system components and analysing support is focussed on defining the quantities of resources required for an established maintenance and supply chain.

In comparison with *ASDEFCON (Strategic Materiel)*, *ASDEFCON (Complex Materiel) Volume 2* has reduced governance and assurance mechanisms, commensurate with a lower level of technical risk. This template has scaled-down SE, ILS and V&V programs as a baseline, commensurate with a less complex design program, and can be scaled-down further for an existing mission system needing a support system to be implemented in Australia, or for a modified mission system/subsystem to be

supported by an established support system. The design effort for these types of projects could last for two years or more but, if scaled down significantly for a low risk program (eg, by tailoring out several MSRs), could be completed in less than a year. *ASDEFCON (Complex Materiel) Volume 2* can also be scaled up, for a greater level of development complexity, for both the mission system and the support system, by copying requirements from *ASDEFCON (Strategic Materiel)*. For example, details from the *ASDEFCON (Strategic Materiel)* Mandated System Review (MSR) checklists may be used to expand the simple set of MSR checklist requirements in *ASDEFCON (Complex Materiel) Volume 2*. Refer to the section on 'Changing Scale, Up or Down' for further information.

Template users should also note that this template includes 'supplementary' DIDs from other ASDEFCON templates, which are included in the template download pack.

This template is not appropriate for those procurements that align to the following criteria:

- extensive software development will be undertaken;
- there are highly complex system or system-of-systems integration requirements; or
- parts of the mission system(s) or ICT systems will be highly developmental.

ASDEFCON (Support)

ASDEFCON (Support) is intended for the provision of in-service support services for Defence materiel systems. It is suitable for platform-level support or support for major sub-systems where significant Commonwealth visibility and technical regulation/assurance is required, and for complex services such as the development of major configuration changes, software maintenance, and overall inventory management. This template incorporates a full PBC approach to achieving outcomes for Defence.

When using this template, support services are obtained from one or more of the five SSCCs, being:

- operating support;
- engineering support;
- maintenance support;
- supply support; and
- training support.

The SOW is supported by a series of DSDs, each a 'mini-SOW' that details the requirements for performing a group of related functions.

An optional Contractor Standing Capability module, included within the template, enables many engineering and similar S&Q services to be performed by a standing team of personnel.

ASDEFCON (Support) has been developed for use across Maritime, Land, Aerospace and Electronic environments. To meet the varying complexities that apply in different situations the template, especially the SOW and the DSDs, have been designed to allow for significant tailoring.

Template users should also note that this template includes 'supplementary' DIDs from other ASDEFCON templates, which are included in the template download pack.

ASDEFCON (Complex Materiel) Volume 1

ASDEFCON (Complex Materiel) Volume 1 is intended for procurements with low technical risk that do not have a significant design and development activity. Supplies are non-developmental, incorporate standard manufacturer options, or need a minor development activity to meet contract requirements but the associated technical risk is so low that the cost of implementing a system to provide Commonwealth insight is not justified. The template includes options for the Supplies to be installed, tested before Acceptance, and for the provision of training courses for the operation and support of the Supplies.

Sample products may be presented for trials during the tender period, and in many cases the Supplies will be manufactured before the Effective Date (ie, as off-the-shelf items that are in stock) or built to order. Results from the analysis of support requirements are presented in the tender response, including recommended lists of support resources and initial training courses. Under contract, the Supplies are delivered, installed if applicable, and may be tested against product specifications. Specific training for the operation and supply of the Supplies could be developed and initial courses may be delivered under

the contract, particularly if the products will be supported by Defence personnel on deployment. Commonwealth governance and assurance mechanisms in this template are minimal, commensurate with a low level of technical risk.

The *ASDEFCON (Complex Materiel) Volume 1* SOW includes options that allow for installation activities, on-site equipment verification (ie, final inspection and test) prior to Acceptance, and the provision of training to Commonwealth personnel (which may be developed for the contract but does not require Commonwealth insight). These features are not available in the *ASDEFCON (Shortform Goods)* or *ASDEFCON Standing Offer* templates.

ASDEFCON (Complex Materiel) Volume 1 may be used for a principal contract in a MINCE project, for secondary procurements in a MCE project, or for standalone procurements in the in-service phase. The payment regime is simple, based on payment for the delivery of Supplies (including any training courses provided). From a technical perspective (although the commercial provisions would need updating if procurement-connected policy thresholds are to be exceeded) the template can be used for high-value procurements of off-the-shelf materiel.

This template would need to be scaled up for the following situations:

- if the contract will not be completed within two years (otherwise, price adjustment clauses may be transferred from the 'ASDEFCON clausebank');
- intellectual property rights need to be acquired to modify, develop or manufacture the Supplies;
- milestone payments (other than delivery) or incentives for contractor performance are required;
- a financial security over the contractor's performance is required;
- any damages for delay in delivery will be pre-agreed and specified in the contract;
- configuration detail to a greater extent than is provided by item identification within the contract Price and Delivery Schedule or within data included for delivery, is required;
- Quality Assurance will require a Quality Plan and system that specifically addresses the contract;
- Verification of the Supplies is required at times other than source selection (ie, example items) or at Final Inspection and Test;
- the contractor will need to be involved in validation of the Supplies; or
- additional contract management mechanisms, other than periodic Contract Status Reports and the holding of Extraordinary Meetings, will be needed.

ASDEFCON (Support Short)

The *ASDEFCON (Support Short)* template is intended for the support of products, including subsystems and standalone (but not too complex) equipment, with a broad scope of services but with reduced scope and complexity when compared to the *ASDEFCON (Support)* template, and without the more demanding governance requirements.

Services may be provided for one or more of the five SSCCs. Work may be subject to an ADF regulatory / assurance framework but does not require the more significant Commonwealth oversight that is needed for complex 'platforms'. In pricing terms, contracts may vary from a few hundred thousand to over a million dollars per year, noting that limited management (planning and reporting) requirements also limit the Commonwealth's visibility of expenditure and value for money.

For a more detailed comparison, when choosing between *ASDEFCON (Support)* and *ASDEFCON (Support Short)* templates, refer to the comparison of templates in Table 2.

The template is not suitable for:

- on-going work performed on Commonwealth premises (there are no GFF provisions);
- platform-level support or support for major sub-systems where significant Commonwealth visibility and technical regulation/assurance is required;
- the development of complex configuration changes (although engineering changes under a SPO's configuration control processes are included from V3.0), software maintenance, and overall inventory management; and

- where the overall scale and value of support requires greater visibility for the Commonwealth, resulting in discrete management effort (ie, separate plans, reporting and reviews) for individual services.

A simplified PBC model is included as an option in the *ASDEFCON (Support Short)* template. This considers on-going performance in relation to what are mostly transactional activities, and not the overall outcomes for Defence capability (in contrast to *ASDEFCON (Support)*).

ASDEFCON (Complex Services)

ASDEFCON (Complex Services) is intended for contracts with a broad range of on-going services. Unlike other templates, the *ASDEFCON (Complex Services)* template is not intended for a specific purpose, instead it includes a management framework that drafters can apply to the provision of services that are defined by the drafter. Applicable non-materiel services may include the provision of training programs, garrison support, ICT and professional services, and other services where there are no suitable panel arrangements or other *ASDEFCON* services templates.

To define services, the Statement of Work template includes example clauses for a helpdesk and training programs. Other examples clauses are 'pattern clauses', as used throughout *ASDEFCON*, for requesting plans, reports, services performed in accordance with specific documents, for conducting meetings, quality, WHS, and for allocating responsibilities to parties for the resources that enable the services to be provided.

To account for a broad range of possibilities, the *ASDEFCON (Complex Services)* template includes provisions for GFM, GFS, GFF, term extensions, a Performance-Based Contracting (PBC) framework, and phasing in and out of complex services. The template also includes a number of possible payment mechanisms for recurring services, task-priced services, milestone payments and Survey and Quote (S&Q) services.

The template includes core clauses for a Defence Industry Participation (DIP) program for contracts between \$4 million and \$20 million, as the template should not be used for procurements valued less than \$4 million. If the expected value of the procurement is in excess of \$20 million, then a more extensive Defence Industry Program will be required, including a DIP Plan. Refer to the template for further guidance.

ASDEFCON (Standing Offer for Goods)

ASDEFCON (Standing Offer for Goods) is for use when establishing a standing offer arrangement with a supplier or a panel of suppliers for off-the-shelf procurements of goods. This template is based on *ASDEFCON (Complex Materiel) Volume 1* and includes the necessary additional provisions for the standard terms and conditions to be used under a Deed of Standing Offer. Standing offer arrangements are appropriate where the Commonwealth has an ongoing requirement for off-the-shelf Supplies to be delivered on an 'as required' basis, including spare parts, consumables and food supplies. It should not be used to acquire spare parts for equipment required as part of a project that has established its own arrangements for the acquisition of spare parts. This template is not suitable for procuring services or software.

While the template is designed to be tailorable with respect to the length of the standing offer period, it has been drafted on the basis that each standing offer would generally be in place for three years, with an option for two additional 12-month extensions.

ASDEFCON (Standing Offer for Services)

ASDEFCON (Standing Offer for Services) is for use when establishing a standing offer arrangement with a supplier or a panel of suppliers for the engagement of consultants, professional service providers and other contractors to provide services to Defence that are of short to medium duration. This template is based on *ASDEFCON (Services)* and includes the necessary additional provisions for these standard terms and conditions to be used under a Deed of Standing Offer. Standing offer arrangements are appropriate where the Commonwealth has an ongoing requirement for services to be delivered on an 'as required' basis.

While the template is designed to be tailorable with respect to the length of the standing offer period, it has been drafted on the basis that each standing offer would generally be in place for three years, with an option for two additional 12-month extensions.

ASDEFCON (Services)

ASDEFCON (Services) is designed to be used to engage consultants, professional service providers and other contractors to provide services to Defence (where there are no suitable Panel arrangements in place). The template is to be used where the services to be procured are of short to medium duration. This template is drafted for procurements under \$4 million and does not include policy requirements that apply to procurements above that threshold (see Annex B). This template is not suitable for procuring goods or software, or more complex types of services with significant management and performance arrangements and/or non-labour elements (eg, garrison support; transportation arrangements for the movement of Defence personnel and equipment by rail, road, sea and air; the provision of maritime related services such as tug services, submarine rescue, weapons recovery etc; or health services).

ASDEFCON (Services) includes the management of GFM, accounting for CMCA, and other provisions making it suitable for some materiel and non-materiel contracts where the contractor holds Commonwealth assets.

ASDEFCON (Standing Offer for Goods and Maintenance Services)

ASDEFCON (Standing Offer for Goods and Maintenance Services) (SOGMS) should be used when establishing a standing offer where goods are to be acquired and/or maintenance services are to be provided on an 'as required' basis. It can be used for either or both of these purposes. SOGMS is closely based on the AC565 and SP020 forms used for Simple Procurement and includes the necessary additional provisions for these standard terms and conditions to be used under a Deed of Standing Offer. This template is for use at the low end of complexity in relation to both acquisition and support where the risks to technical integrity (ie, safety, warranty and environmental compliance) are minimal.

The template is not suitable for:

- design and development activities;
- systems installation or integration; or
- activities on Defence premises.

The template has been drafted for a maximum standing offer period of five years and it does not contain clauses for optional extensions. *ASDEFCON (Standing Offer for Goods and Maintenance Services)* is a simplified standing offer arrangement and has not been designed for use in panel arrangements where multiple parties are required to sign up to a standing offer arrangement. Specialist advice should be sought where multiple suppliers are needed to meet a requirement and a different template, such as *ASDEFCON (Standing Offer for Goods)*, may be required.

ASDEFCON (Shortform Goods)

ASDEFCON (Shortform Goods) is based on Form SP020. It contains the standard terms and conditions under which Simple Procurement of goods and repair services is conducted by Defence, but also includes a clause limiting the liability of the supplier.

ASDEFCON (Shortform Goods) should only be used where procurement officers have determined that there is a compelling reason to limit the liability of the supplier and procurement officers have complied with the requirements for limiting the liability of the supplier.

ASDEFCON (Shortform Goods) is suitable for the same range of procurements as the Form SP020.

ASDEFCON (Shortform Services)

ASDEFCON (Shortform Services) is based on the AC565 and SP020 forms and has been developed specifically for low risk and low value service requirements. It contains the standard terms and conditions under which Simple Procurement of services is conducted by Defence. For more complex procurement of services, *ASDEFCON (Complex Services)*, *ASDEFCON (Services)* or *ASDEFCON (Standing Offer for Services)* should be used.

ASDEFCON (Shortform Services) is not suitable for the procurement of:

- procurements involving the provision of professional services by professional service providers such as lawyers, accountants or architects, etc;

- specialised trade or repair services;
- consultancy services requiring more than basic commercial provisions (eg, in relation to insurances, warranties, intellectual property, Commonwealth/contractor access and others); and
- services to be provided by an expert (eg, the appointment of a person to conduct an inquiry for Defence, as such persons will generally be appointed under the *Expert Engagement Agreement*).

Form AC565 Request for Quotation and Form SP020 Purchase Order and Contract

The AC565 *Request for Quotation* and SP020 *Purchase Order and Contract for the Supply of Goods and Repair Services* forms include general conditions applicable to Simple Procurements.

The AC565 and SP020 forms should be used when undertaking Simple Procurements which are for firm price goods and repair services.

Form SP020 is suitable for the procurement of:

- Goods – off-the-shelf goods comprising equipment (ie, capable of independent operation), spares, materials, consumables, etc; and/or
- Repair Services – being services required on a ‘one-off basis’ for the repair of existing Defence equipment, spares, etc, including the supply of Goods that are incidental to the Repair Services (eg, the replacement of damaged parts and consumables).

ASDEFCON Linkages Modules

The purpose of the *ASDEFCON Linkages Modules* is to link together draft contracts for acquisition and support, which have been prepared using ASDEFCON templates, so that they can be released under a single RFT. This is achieved using a single COT template and with a consolidated set of Tender Data Requirements. The *ASDEFCON Linkages Modules* provide amendment instructions for the relevant ASDEFCON templates for the conditions of contract, statement of work and any other contract attachments which require amendment.

Expert Engagement Agreement

The *Expert Engagement Agreement* is available exclusively for use in connection with the engagement of high profile individuals to undertake specific strategic level type tasks on behalf of Defence. These tasks could include the appointment of the individual to a governance committee or to conduct an enquiry or other corporate level review. It is expected that engagements at this level will be infrequent and, when they occur, coordinated and approved by a member of the Defence Senior Executive. Defence personnel who believe they have a requirement for which this template may be suitable, should contact General Counsel CASG for advice on whether the template is suitable for their specific purpose.

ASDEFCON (Request for Information)

This template has been developed for use primarily by MCE Projects when seeking information from industry during the (generally) pre First Pass Approval stage of the capability development process. However, the template can also be used any time information is required from industry before progressing to a formal procurement process. The RFI is used to obtain information to support analyses, risk assessments and the development of project documentation (such as the Integrated Project Management Plan (IPMP) or Support Procurement Strategy (SPS)) and a business case that may, or may not, result in a procurement (therefore it is not part of a formal procurement process and not subject to the CPRs).

ASDEFCON (Request for Information) should be used to prepare an RFI in order to gather information from the market on a wide range of matters, including to assist Defence to:

- identify and refine potential capability options/solutions, relevant technologies and technical risks;
- understand industry capabilities and relevant constraints; and
- obtain ‘rough order of magnitude’ costs and high level schedule information required to support First Pass Approval.

For further information refer to the '*Guidance on use of ASDEFCON (Request for Information)*' contained within the set of template files to be downloaded.

ASDEFCON (Invitation to Register)

This template should be used to seek expressions of interest from industry as to their willingness and capacity to participate in a procurement process to fulfil a known Defence requirement.

ASDEFCON (Invitation to Register) should be used:

- as part of a staged procurement to break the procurement process into more manageable parts and refine the market testing process;
- to establish if respondents have the technical, managerial and financial capacity to satisfy the requirement;
- to reduce the time spent by the Commonwealth in evaluating a large number of very complex and detailed tender responses;
- to allow prospective suppliers sufficient time to explore licensing requirements and establish their team and any subcontracts; and
- to allow prospective suppliers sufficient time to undergo any security requirements before the release of a classified Request for Proposal or RFT.

This template should not be used where there is no benefit from using a staged procurement process or where Defence does not know the basic solution it wishes to use to resolve a problem or achieve a particular outcome, in which case ASDEFCON (Request for Proposal) should be used instead.

ASDEFCON (Request for Proposal)

ASDEFCON (Request for Proposal) should be used to encourage suppliers to propose innovative solutions to achieve a desired outcome or resolve a specific problem. It seeks information from prospective suppliers about their capacities to ascertain what solutions exist to meet problems or needs.

Specifically, the ASDEFCON (Request for Proposal) aims to:

- as part of a staged procurement to break the procurement process into more manageable parts and refine the market testing process;
- determine a preferred solution 'class' to an identified requirement, which can be used to inform the subsequent development of specifications and other requirements documents;
- encourage suppliers to propose solutions, whether innovative or not, to meet the requirement and by doing so enable the Commonwealth to assess the range of options available in order to release a Request for Tender or other procurement process (eg; a project definition study); and
- lead to better outcomes for the Australian Defence Force.

Where there is no benefit from using a staged procurement process, or Defence knows the basic solution it wishes to use to resolve a problem or achieve a particular outcome but needs to either qualify potential suppliers or create a shortlist, this template should not be used. ASDEFCON (Invitation to Register) should be used instead.

ASDEFCON (Hire of Defence Asset)

The ASDEFCON (Hire of Defence Asset) is designed for use when the Commonwealth agrees to provide a Defence Asset to the hirer in return for a payment to the Commonwealth for the use of that Defence Asset. This template is to be used in conjunction with the policy requirements defined in DEFLOGMAN Part 2, Volume 5, Chapter 29, *Hire and Loan of Relevant Property To And From Sources External to Defence*.

ASDEFCON (Loan of Defence Asset)

The ASDEFCON (Loan of Defence Asset) is designed for use when the Commonwealth agrees to provide a Defence Asset to the borrower without the payment of money, but with the payment of a security deposit. This template is to be used in conjunction with the policy requirements defined in

DEFLOGMAN Part 2, Volume 5, Chapter 29, *Hire and Loan of Relevant Property To And From Sources External to Defence*.

ASDEFCON (Sale of Defence Asset) and ASDEFCON (Gift of Defence Asset)

The *ASDEFCON (Sale of Defence Asset)* ('Sale') and *ASDEFCON (Gift of Defence Asset)* ('Gift') templates were developed in 2010 for straightforward, low risk disposals of Defence Assets. To ensure that the Sale and Gift templates are not used for the increasing number of major disposals, these templates are no longer available for download. Instead, contracting or disposal officers requiring a template for the sale or gift of a Defence Asset should contact the [Australian Military Sales](#) team at ams.mailbox@defence.gov.au for assistance in developing an appropriate sale or gift contract.

Annex B: Procurement Connected Policies Affecting ASDEFCON RFQ/RFT Templates

The following table lists relevant [procurement connected policies](#) that apply to ASDEFCON RFQ/RFT templates. The table indicates the relevant threshold for each procurement connected policy and those templates that do not include the optional clauses for the procurement connected policy because it is considered that the template would rarely be used above the thresholds. In the event that a template is used for a procurement activity above an identified threshold, then drafters would need to include the relevant clauses for that procurement connected policy by copying them from a higher level template. All monetary thresholds identified are in Australian dollars and inclusive of GST.

| Threshold | Policy | RFQ/RFT Templates that do NOT have the Policy clauses built in | Owner | Respondent/Tenderer Requirements |
|---|--|---|--|---|
| At or above the relevant Procurement Threshold ^[1] | Workplace Gender Equality Procurement Principles | All templates include appropriate provisions to incorporate this policy | Department of Prime Minister and Cabinet | Comply with the Workplace Gender Equality Act 2012. Submit a letter of compliance where appropriate. |
| \$200,000 and above | Multinational Tax Integrity Package | All templates include appropriate provisions to incorporate this policy | Department of Treasury | Provide information on country of tax residency for itself and its ultimate parent entity. |
| \$4 million and above | Shadow Economy Procurement Connected Policy | Expert Engagement Agreement Form AC565 Form SP020 ASDEFCON (Shortform Goods) ASDEFCON (Shortform Services) ASDEFCON (Services) | Department of Treasury | Submit satisfactory and valid Statement of Tax Records. |
| \$4 million and above | Payment Times Procurement Connected Policy | Expert Engagement Agreement Form AC565 Form SP020 ASDEFCON (Shortform Services) ASDEFCON (Services) | Department of Treasury | Indicate if tenderer is a reporting entity under the Policy. Comply with policy if relevant. |
| \$7.5 million and above ^[2] | Indigenous Procurement Policy Mandatory Minimum Requirements | Expert Engagement Agreement Form AC565 Form SP020 ASDEFCON (Shortform Goods) | Department of Prime Minister and Cabinet | Develop and implement an Indigenous Participation Plan. Comply with reporting requirements. |

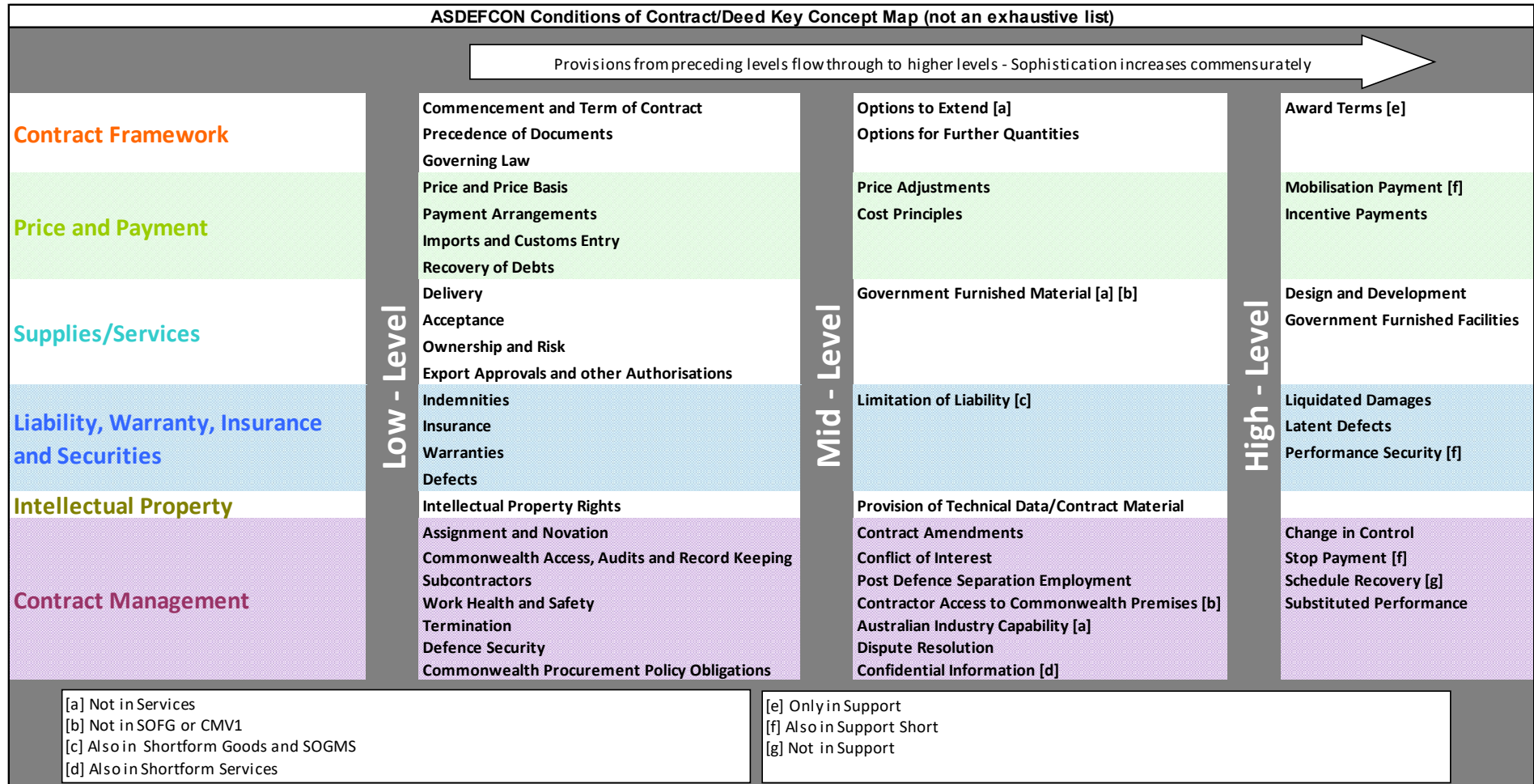
| Threshold | Policy | RFQ/RFT Templates that do NOT have the Policy clauses built in | Owner | Respondent/Tenderer Requirements |
|---------------------------------------|---|--|---|--|
| | | ASDEFCON (Shortform Services) ASDEFCON (Standing Offer for Goods and Maintenance Services) ASDEFCON (Services) ASDEFCON (Standing Offer for Goods) ASDEFCON (Complex Materiel) Vol.1 ASDEFCON (Complex Materiel) Vol.2 ASDEFCON (Strategic Materiel) | | |
| \$4-20 million and above \$20 million | Australian Industry Participation (AIP) National Framework <ul style="list-style-type: none"> Australian Industry Capability (AIC) Program for Materiel procurements Defence Industry Participation (DIP) Program for Non-Materiel procurements | Expert Engagement Agreement Form AC565 Form SP020 ASDEFCON (Shortform Goods) ASDEFCON (Shortform Services) ASDEFCON (Standing Offer for Goods and Maintenance Services) ASDEFCON (Services) | Department of Industry, Innovation and Science / Department of Defence | \$4-20 million <u>Materiel</u> Submit draft AIC schedule. <u>Non-Materiel</u> Submit draft DIP schedule. Above \$20 million <u>Materiel</u> Submit draft AIC plan. <u>Non-Materiel</u> Submit draft DIP plan. |

Notes:

[1] This policy is excluded from procurements that meet the exemptions set out at Appendix A to the CPRs.

[2] And more than half the value of the procurement involves the provision of services in a relevant industry sector, and the procurement is not subject to paragraph 2.6 of the CPRs. Note that because the Indigenous Procurement Policy Mandatory Minimum Requirements only applies to services, ASDEFCON acquisition templates do not include the clauses.

Annex C: ASDEFCON Conditions of Contract/Deed Key Concept Map



For information on what level an individual template is in the table above, see the overview in [Annex A](#).

Annex D: Acronyms and Abbreviations

The following table lists and defines the acronyms and abbreviations used in this guide.

| Term | Definition |
|-----------|--|
| AAI | Accountable Authority Instruction |
| ACI | ASDEFCON and Contracting Initiatives |
| AIC | Australian Industry Capability |
| ASDEFCON | Australian Standard for Defence Contracting |
| CASG | Capability Acquisition and Sustainment Group |
| CCS | Commonwealth Contracting Suite |
| CIOG | Chief Information Officer Group |
| COC | Conditions of Contract |
| COT | Conditions of Tender |
| COTS | Commercial Off The Shelf |
| CPRs | Commonwealth Procurement Rules |
| DDG | Defence Digital Group |
| DEFLOGMAN | Defence Logistics Manual |
| DID | Data item Description |
| DPM | Defence Procurement Manual |
| DSD | Detailed Service Description |
| FPS | Function and Performance Specification |
| GFF | Government Furnished Facilities |
| GFM | Government Furnished Material |
| ICT | Information and Communications Technology |
| ILS | Integrated Logistic Support |
| IV&V | Independent V&V |
| MCE | Major Capital Equipment |
| MILIS | Military Integrated Logistics Information System |
| MINCE | Minor Capital Equipment |
| OCD | Operational Concept Document |

| Term | Definition |
|-------|---|
| PBC | Performance Based Contract |
| PCR | Procurement and Contracting Requirement |
| RFI | Request for Information |
| RFQ | Request for Quote |
| RFT | Request for Tender |
| ROMAN | Resource & Output Management & Accounting Network |
| S&Q | Survey and Quote |
| SE | Systems Engineering |
| SEG | Security and Estate Group |
| SOGMS | Standing Offer for Goods and Maintenance Services |
| SOW | Statement of Work |
| SPO | System Program Office |
| SPS | Support Procurement Strategy |
| SSCC | Support System Constituent Capability |
| V&V | Verification and Validation |
| WHS | Work Health and Safety |

Annex E: Getting Support

This annex lists various resources for accessing the ASDEFCON templates and related advice.

Online Resources

The ASDEFCON Templates internet website provides access to the following ASDEFCON resources:

- [ASDEFCON Templates](#)
- Handbooks and Tailoring Guides (included on the applicable template's web page); and
- [the ASDEFCON toolbar for Microsoft Word®](#).

Contracting Officers

Commercial Division provides commercial advice and assistance to Defence procurement teams, supporting materiel and non-materiel procurements across Defence.

Help Desks

For help related to commercial aspects of the ASDEFCON templates (ie, the COT and COC components), contact the ASDEFCON and Contracting Initiatives (ACI) help desk via e-mail at:

- procurement.ASDEFCON@defence.gov.au.

For help on technical aspects of ASDEFCON (ie, the SOW and related components), send an e-mail to:

- ASDEFCONSOW.Support@defence.gov.au.

Specialist advice regarding contractor performance management using a PBC is available from the Performance Based Contracting Centre of Excellence via e-mail at:

- PBC.Enquiry@defence.gov.au.

Training

Training for ASDEFCON is available through the following courses:

- ASDEFCON Foundations (Campus ID (00008731));
- ASDEFCON (Complex Materiel) Volume 1 (Campus ID (00004563));
- ASDEFCON (Complex Materiel) Volume 2 (Campus ID (00011151));
- ASDEFCON (Support Short) (Campus ID (00006288)); and
- ASDEFCON (Support) (Campus ID (00004509)).

Training related to contracting in general is available through the Contract Risk Module courses:

- Module 2 - ASDEFCON Technical Data/Intellectual Property (Campus ID (00013692)); and
- Module 5 - ASDEFCON Liability (Campus ID (00014712)).

For information on the above training courses, refer to Campus or the CASG Learning and Professionalisation intranet website. Persons without Defence Protected Network (DPN) access should contact their contract manager or send an e-mail to casgcoe.commercial@defence.gov.au.