GENERAL INFORMATION FOR USERS

PURPOSE OF ASDEFCON (STANDING OFFER FOR GOODS)

1. ASDEFCON (Standing Offer for Goods) is a tendering and contracting template for use when establishing a standing offer arrangement with a supplier or a panel of suppliers for off-the-shelf procurement of goods. By using a standard template for these types of standing offer arrangements, the Department of Defence aims to minimise the cost of tendering and the duration of negotiations.
2. For further information on selecting and tailoring *ASDEFCON (Standing Offer for Goods)*, template users should refer to the *Contract Template Selection and Tailoring Guide* which can be accessed via the intranet and internet sites listed in paragraph 12.
3. *ASDEFCON (Standing Offer for Goods)* is designed for procurements that are both subject to and not subject to the additional rules as detailed in Division 2 of the *Commonwealth Procurement Rules.* For information on whether a procurement is subject to the additional rules, refer to the DPPM*.*
4. *ASDEFCON (Standing Offer for Goods)* serves to promote value for money because long-term supplier arrangements enable the Commonwealth to negotiate more favourable terms and conditions and reduce the administrative burden of issuing and negotiating numerous requests for tender. *ASDEFCON* *(Standing Offer for Goods)* provides a tool that enables the Department of Defence to:
   1. fulfil frequently arising regular requirements;
   2. buy goods regularly where storage of large quantities is impractical or non-viable; and
   3. obtain value for money where the timing and quantity of a requirement cannot be determined in advance.
5. The rationale for using a deed to establish *ASDEFCON (Standing Offer for Goods)* is to overcome the legal contracting requirement of consideration. An essential requirement for a valid contract is that the agreement made between the parties must constitute an exchange of something of value. This exchange is called consideration, that is, each party, by entering into the agreement provides consideration to the other. Consideration usually consists of a promise of something of value (money, goods, services, giving up a right, etc) but it can consist of the actual delivery of money, goods, services, etc. If consideration is not present in an agreement then it is not a contract.
6. The value of using a deed to establish a legal obligation is to overcome the enforceability problems of not having a contract. Therefore the benefit of using a deed to establish ASDEFCON (Standing Offer for Goods) is that a legally enforceable set of terms and conditions for the provision of a requirement can be established with a supplier without the need for further negotiation. The Contract is formed by the issue of a simple ‘official order’ under the Deed’s already established terms and conditions. A standing offer deed arrangement can therefore be used to facilitate routine purchasing of goods over a specified period of time, under a previously agreed set legal terms and conditions.

Structure of ASDEFCON (Standing Offer for goods)

1. *ASDEFCON* *(Standing Offer for Goods)* contains the following sections:
   1. Preliminary pages – including the covering letter with Matrix of Changes attachment;
   2. Part 1 – Conditions of Tender - including annexes; and
   3. Part 2 – Draft Conditions of Deed - including attachments.

amendments TO ASDEFCON (STANDING OFFER FOR GOODS)

1. *ASDEFCON (Standing Offer for Goods)* is a dynamic document that will be amended on an ‘as required’ basis to reflect changes in legislation, policy and procurement practices. Amendments to *ASDEFCON (Standing Offer for Goods)* will be released through updates to the current version or the issue of a new version of the template. All updated and new versions will be issued on the intranet and internet at the sites listed in paragraph 12.
2. Template users are also welcome to suggest changes to the template by using a Document Change Proposal (DCP) form. A copy of the form can be downloaded from the addresses specified at paragraph 12.

**CONTRACTING ASSISTANCE AND HELP DESK**

1. Drafters requiring contracting advice or assistance should approach their Group or Divisional contracting support areas in the first instance. If the relevant support officer is not known, drafters should contact the relevant Executive Director Contracting (EDCON) in their respective Contracting Services area.
2. For ASDEFCON advice, including proposed updates to or advice regarding the templates please email: [procurement.ASDEFCON@defence.gov.au](file:///\\d85userdata.dpe.protected.mil.au\la\lauren.massey\Objective\Objects\procurement.ASDEFCON@defence.gov.au).

**DISSEMINATION OF ASDEFCON (STANDING OFFER FOR GOODS)**

1. *ASDEFCON (Standing Offer for Goods)* can be downloaded from the CASG intranet via the ‘ASDEFCON Suite of Tendering and Contracting Templates’ webpage at the following address:

<http://drnet.defence.gov.au/casg/commercial/CommercialPolicyFramework/Pages/ASDEFCON-Templates.aspx>

or from the CASG internet site by following the ‘Procurement in Defence’ link to the following address:<https://www.defence.gov.au/business-industry/procurement/contracting-templates/asdefcon-suite>.