

Procurement ID : 48921

Date Created: 12/08/2024

Procurement Title : Industrial Intelligence Capability DaaS Procurement - Palantir

Status : Section 23 Delegate Approved



This is a procurement summary and is not to be used for approval. Delegation of this procurement is to be exercised in the My Procurements Application only.

Contact Officer

Name:	s47F	Phone:	s47F
Email:	s47F@defence.gov.au		
PM Keys Organisation:	s47F		

Value (AUD, inc GST)					
Estimated Value (GST inclusive)	\$7,150,000.00	Estimated Extension(s) Value	\$0.00	Total Estimated Value	\$7,150,000.00

Basis of Cost Estimation

Open tender released to the global market

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Requirement (ETP)

s22

Description of Requirement

CASG is working to establish an Industrial Intelligence Capability (IIC) for Defence, with a primary aim of accessing data and information, and building an analytics capability that can translate the data into consumable information that will be used to inform the decision-making process across the life of a Defence project. The IIC will assist Defence with achieving the Defence Strategic Review s (DSR) recommendation of improving speed to capability. Forming an integral piece of the IIC is access to Data-as-a-Service (DaaS). s47E(d)

s47E(d)

s47E(d) The IIC is being establish to support the outcomes identified in the DSR, and more recently the Defence Industry Development Strategy (DIDS) and the National Defence Strategy (NDS). A two-stage tender process was conducted; an open market Request for Proposal (RFP) at Reference B was issued as an open tender under the Commonwealth Procurement Rules, followed by a Request for Tender (RFT) at Reference D, being issued to s47G short-listed parties from the RFP, in accordance with the RFP Source Evaluation Report which the Delegate approved, at Reference C. In accordance with, and for the reasons set out in the RFT Source Evaluation Report at Reference E, which was approved by the Delegate, Palantir was approved as a preferred tenderer for the RFT to provide the primary capability that will deliver on Defence s objectives for the IIC. The Palantir Foundry application, delivered on a Software-as-a-Service basis, s47G

s47G was determined by the Tender Evaluation team to represent the optimum solution for achieving Defence s objectives for the DaaS element of the Industrial Intelligence Capability. ETP signed 20 Sept 2023 (ETP no 38833) new ETP completed in my procurement to reflect new agreed contract term.

What is the postcode where the majority of the goods and services will be delivered	s47G		
Locality	s47G		
Outside Australia?			
UNSPS Code	s47G	UNSPS Description	

Categorisation

Is your procurement for legal proceedings involving a Defence official?	No
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ICT - Information and Communications Technology

Is the Procurement for ICT Software, Hardware, Cloud Services (Software as a Service)?	Yes
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Method (ETP)

Proposed Procurement Approach

Standing Offer/Panel Procurement	☐	Proposed Procurement Approach	Open Tender
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Finance

Have the total estimated funds to become payable under this proposed arrangement been reserved in a Corporate Finance System or committed within a business unit allocation?	Yes
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Outline details of consultation undertaken to obtain funds availability.

Consultation with AIC Business Manager

Account Code	Cost Centre	WBS (if applicable)	Fund Code	Internal Order Number
s47E(d)				

Total Estimated Value (AUD) GST inclusive:

\$7,150,000.00

Estimated Funds (AUD) GST Applicable Component	Estimated Funds (AUD) Non-GST Applicable Component	Estimated Funds (AUD) GST Component	Foreign Source Currency
\$7,150,000.00	\$0.00	\$650,000.00	

Finance Advice			
Name	Position	Date	Objective Reference Link
s47F	Specialist Advisor Finance	12/08/2024	s47E(d)

CCOSP - Contractors, Consultants & Outsourced Service Providers

Is the procurement to engage Contractors, Consultants or Outsourced Service Providers in line with the Engaging Contractors, Consultants and Outsourced Service Providers - Decision Making Governance Fact Sheet.	No
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Value for Money Considerations

How do you consider this procurement will deliver value for money?

A complete value for money assessment is set out in the RFT Source Evaluation Report at Reference E. No further circumstances arose in the course of negotiations that would impact the Tender Evaluation Board's assessment of the value for money represented by the Palantir offering.

Request Documentation

Has request documentation been drafted?	No
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Contracting

Has Contracting Advice been sought for this procurement from an external entity?	Yes
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Company Name	Name and Position	Date	Details	Objective Reference Link
Materiel Procurement Branch	s47F	12/08/2024	s47F @defence.gov.au	s47E(d)

Legal

Has Legal Advice been sought from a Legal Advisor (either an External Legal Service Provider or Defence Legal) in the development of the request documentation?	Yes
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Legal Advisor Name	Legal Advisor Position	Legal Advisor Date	Details	Legal Advisor Objective Reference Link
s47F	Commercial Legal Advice, Defence Legal	12/08/24	Legal Advice	s47E(d)

Risk

Has a Risk Assessment been conducted?	Yes
Overall Risk Rating:	s47E(d)
Objective Reference Link:	
Has a Liability Risk Assessment been undertaken to inform proposed insurance requirements or liability caps?	Yes
Objective Reference Link:	s47E(d)
Does the approach to market documentation propose the Commonwealth will grant an indemnity, guarantee or warranty?	No

JRA - Judicial Review Act

Is the Procurement a 'Covered Procurement'?	Yes
Has a Public Interest Certificate (PIC) been issued for this procurement?	No

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s22



Supporting Documents		
Title	Tab	Objective Reference Link
Risk Assessment	Risk	s47E(d)
Liability Risk Assessment	Risk	
Finance Advice	Finance	
s47F	Contracting	
	Legal	
	ETP Other Documents	
Liability Risk Assessment - General	ETP Other Documents	
S23 For execution	ETP Other Documents	
Liability Risk Assessment, IP, Data Security, Confidentiality, Privacy	ETP Other Documents	

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Endorsements

- ✓ The scope of the requirement is appropriate and supports the approved business requirement.
- ✓ The procurement method is appropriate and consider that it is consistent with the CPRs and mandatory Defence and Whole of Government Arrangement procurement policies.
- ✓ Where a Defence specific exemption (2.6), Appendix A or 10.3 condition of the CPRs has been applied, it is appropriate for the procurement.
- ✓ The draft request documentation is consistent with the approved acquisition or procurement strategy (if applicable).
- ✓ There is an adequate funding source for the procurement and that the proposed commitment of relevant money is consistent with the purpose for which they were allocated.
- ✓ Where specialist advice has been sought, identified risks have been considered.
- ✓ Conflict of interest declarations have been completed and stored appropriately in Objective prior to endorsement.
- ✓ I do not have any actual, potential or perceived conflict of interest.
- ✓ The procurement represents value for money.
- ✓ A Risk Assessment has been undertaken (where appropriate).
- ✓ Any actual, potential or perceived conflict of interest disclosed during the course of the procurement and was managed effectively as required by the approved procurement and probity processes (or similar) and in accordance with the Integrity Policy Manual.
- ✓ I have consulted with the intended Section 23(3) Commitment Approval Delegate for this procurement (if this Delegate is somebody other than myself).

Line Manager Comments

ETP signed 20 Sept 2023 (ETP no 38833) new ETP completed in my procurement to reflect new agreed contract term.

Name	Position Number	Date
s47F		15/08/24 3:27 PM

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Procurement ID : 48921
Date Created: 12/08/24
Procurement Title : Industrial Intelligence Capability DaaS Procurement - Palantir
Status : Section 23 Delegate Approved
Contract Type: Original Contract

S23(3)



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Contact Officer			
Name	s47F	Phone	s47F
Email	s47F	@defence.gov.au	
PM Keys Organisation	s47F		

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Method

Proposed Procurement Approach

Standing Offer/Panel Procurement	☐	Proposed Procurement Approach	Open Tender
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JRA

Is the Procurement a 'Covered Procurement'?	Yes
Has a Public Interest Certificate (PIC) been issued for this procurement?	No

Contract Details

Company Name	Palantir Technologies Australia Pty Ltd	Current Term Value (AUD inc GST)	\$7,150,000.00
Company Address	c/o Baker & McKenzie, Tower One International Towers Sydney, Level 46, 100 Barangaroo Avenue, Sydney, NSW 2000	Extension Value if any (AUD inc GST)	\$0.00
ABN (if applicable)		Total Value (AUD inc GST)	\$7,150,000.00
ACN/ARBN (if applicable)	144948309	Contract Start Date	15/08/2024
ATM ID	AIC/RFP/38833/1	Current Term End Date	15/12/2027
ATM Title	Initial Data as a Service for CASG		

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Funding

The following financial codes will be used for this procurement

Account Code	Cost Centre	WBS	Funding Code	Asset Number	Internal Order Number	Value	Description
s47E(d)						\$7,150,000.00	

Current Term (excluding extensions)

Financial Year (FY)	GST Applicable	GST Non Applicable	GST Amount	Total
FY 1	s47G			
FY 2				
FY 3				
FY 4				
Total	\$7,150,000.00	\$0.00	\$650,000.00	\$7,150,000.00

Scope

Description of Requirements

CASG is working to establish an Industrial Intelligence Capability (IIC) for Defence, with a primary aim of accessing data and information, and building an analytics capability that can translate the data into consumable information that will be used to inform the decision-making process across the life of a Defence project. The IIC will assist Defence with achieving the Defence Strategic Review's (DSR) recommendation of improving speed to capability. Forming an integral piece of the IIC is access to Data-as-a-Service (DaaS). s47E(d)

s47E(d)

s47E(d)

The IIC is being establish to support the outcomes identified in the DSR, and more recently the Defence Industry Development Strategy (DIDS) and the National Defence Strategy (NDS). A two-stage tender process was conducted; an open market Request for Proposal (RFP) was issued as an open tender under the Commonwealth Procurement Rules, followed by a Request for Tender (RFT) being issued to s47 short-listed parties from the RFP, in accordance with the RFP Source Evaluation Report which the Delegate approved. In accordance with, and for the reasons set out in the RFT Source Evaluation Report at Reference E, which was approved by the Delegate, Palantir was approved as a preferred tenderer for the RFT to provide the primary capability that will deliver on Defence's objectives for the IIC. The Palantir Foundry application, delivered on a Software-as-a-Service basis, s47E(d), 47G

s47E(d), 47G was determined by the Tender Evaluation team to represent the optimum solution for achieving Defence's objectives for the DaaS element of the Industrial Intelligence Capability. ETP signed 20 Sept 2023 (ETP no 38833) new ETP completed in my procurement to reflect new agreed contract term.

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Recommendations

Recommendation

That as the Section 23 (3) Delegate, you;

APPROVE the commitment and expenditure of relevant money for Industrial Intelligence Capability DaaS Procurement - Palantir of up to APPROVE the commitment and expenditure of relevant money for Industrial Intelligence Capability DaaS Procurement - Palantir of up to \$7,150,000.00 (GST Inclusive) with Palantir Technologies Australia Pty Ltd under Section 23 of the Public Governance, Performance and Accountability Act 2013.

CONFIRM that the Arrangement will be a proper use of relevant money, promotes achievement of the purposes and financial stability of the entity, and is consistent with the legislation and policies of the Australian Government.

Procurement Summary

Procurement Method

The proposed procurement is subject to Division 1 of the Commonwealth Procurement Rules (CPRs) and the additional rules for procurements at or above the relevant procurement threshold as detailed in Division 2 of the CPRs and is not subject to an exemption.

Procurement Process Description

A two-stage tender process was conducted; an open market Request for Proposal (RFP) was issued as an open tender under the Commonwealth Procurement Rules, followed by a Request for Tender (RFT) being issued to s47G short-listed parties from the RFP, in accordance with the RFP Source Evaluation Report which the Delegate approved. In accordance with, and for the reasons set out in the RFT Source Evaluation Report, which was approved by the Delegate, Palantir was approved as a preferred tenderer for the RFT to provide the primary capability that will deliver on Defence's objectives for the IIC. The Palantir Foundry application, delivered on a Software-as-a-Service basis, s47E(d), 47G s47E(d), 47G was determined by the Tender Evaluation team to represent the optimum solution for achieving Defence's objectives for the DaaS element of the Industrial Intelligence Capability.

Value for Money Outcomes

ETP Value for Money Considerations

A complete value for money assessment is set out in the RFT Source Evaluation Report at Reference E. No further circumstances arose in the course of negotiations that would impact the Tender Evaluation Board's assessment of the value for money represented by the Palantir offering.

Value for Money Assessment

A complete value for money assessment is set out in the RFT Source Evaluation Report at Reference E. No further circumstances arose in the course of negotiations that would impact the Tender Evaluation Board's assessment of the value for money represented by the Palantir offering.

Australian Industry Capability Schedule Assessment

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Specialist Advice

Has any advice been sought previously?	Yes
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Finance Advice

Financial Advice has been obtained on the financial aspects of the proposed commitment of relevant money. The following authorities have been consulted in the preparation of this submission:

Name	Position	Date	Objective Reference
s47F	Specialist Advisor Finance	12/08/2024	s47E(d)

Contracting Advice

Consideration has also been given to obtaining specialist procurement and contracting advice on the proposed commitment of relevant money. The following authorities have been consulted in preparation for this submission:

Name	Position	Date	Objective Reference
Materiel Procurement Branch	s47F	12/08/2024	s47E(d)

Legal and Other Advice

Consideration has also been given to obtaining relevant specialist advice on the proposed commitment of relevant money. The following authorities have been consulted in the preparation of this submission:

Name	Position	Date	Objective Reference
s47F	Commercial Legal Advice, Defence Legal	11/08/2024	s47E(d)

Section 23 (3) Risk

Has a Risk Assessment been conducted?	Yes		s47E(d)
Overall Risk Rating	s47E(d)	Objective Reference	
Has a Liability Risk Assessment been undertaken to inform proposed insurance requirements or liability caps?	Yes		s47E(d)
Objective Reference			
Does the proposed arrangement require the Commonwealth to grant an indemnity, guarantee or, warranty?	No		

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Supporting Documents

Supporting Procurement Documentation Attachments

Title	Tab	Objective Reference
Risk Assessment - Objective Reference	s47E(d)	s47E(d)
Liability Risk Assessment - Objective Reference		
Suppliers Approached Objective Reference		
Finance Advice		
Materiel Procurement Branch		
s47F		
Liability Risk Assessment - General		
S23 For execution		
Liability Risk Assessment, IP, Data Security, Confidentiality, Privacy		

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Funds Availability

As a person consulting to provide funds availability I confirm:

- ☒ The sufficiency of the budget;
- ☒ The soundness of the costing calculations; and
- ☒ The accuracy of the costing declaration.

Funds Availability Comments

Confirming there is sufficient funding within the budget for this procurement

Name	Employee Number (ID)	Position Number	finance_approval_date
s47F	s22	s47F	15/08/24 5:20 PM

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Commitment Approval - Section 23(3)

- ☒ I have an appropriate delegation.
- ☒ The arrangement will be a proper use of relevant money (efficient, effective, economical and ethical use of resources).
- ☒ I have taken care and diligence and have made reasonable inquiries to ensure this arrangement meets all required procurement obligations, notably the Commonwealth Procurement Rules, the Accountable Authority Instruction 2 – Procurement and the Defence Procurement Manual, and is not inconsistent with the policies of the Australian Government.
- ☒ The procurement method is appropriate and consider that it is consistent with the CPRs and mandatory Defence and Whole of Government Arrangement procurement policies.
- ☒ Where a Defence specific exemption (2.6), Appendix A or 10.3 condition of the CPRs has been applied, it is appropriate for the procurement.
- ☒ The procurement represents value for money.
- ☒ The benefits of entering into the arrangement outweigh the risk of locking away future budget flexibility.
- ☒ The costing assumptions are sound and costing calculations are accurate.
- ☒ I am acting in good faith and for proper purpose.
- ☒ I do not have any actual, potential or perceived conflict of interest.
- ☒ Conflict of interest declarations have been completed and stored appropriately in Objective prior to endorsement.
- ☒ Any actual, potential or perceived conflict of interest disclosed during the course of the procurement was managed effectively as required by the approved procurement and probity processes (or similar) and in accordance with the Integrity Policy Manual.

S23 Delegate Commitment Approval Comments

Commitment Approval Officer Name	Employee Number (ID)	Commitment Approval Position Number	Commitment Approval Date
s47F	s22	s47F	16/08/2024 8:53 AM

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Guidance History

Date Time Display	Name	Position	Content

Considerations / Conditions

No Considerations/Conditions

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Australian Government

Defence

Department of Defence
Commonwealth of Australia

Section 23 Commitment Approval Submission

Industrial Intelligence Capability
(Data-as-a-Service) Procurement

Contract with Palantir Technologies Australia Pty Ltd



Australian Government
Defence

SECTION 23 COMMITMENT APPROVAL - AIC/RFT/38833/1

For procuring access to Palantir Foundry on a cloud-hosted software-as-a service basis, and associated implementation and support services, from Palantir Technologies Australia Pty Ltd in support of the CASG Industrial Intelligence Capability delivering Data-as-a-Service.

To: s47F (Delegate), A/AS AIC Delivery Branch, Capability Acquisition and Sustainment
Commitment Approval

Through s47F Director, Industrial Intelligence Capability Program, AIC Delivery Branch

RECOMMENDATIONS

That you:

APPROVE the commitment and expenditure of relevant money to acquire from Palantir Technologies Australia Pty Ltd ACN 144 948 309 (**Palantir**) the services specified below, over a 3-year period, up to a maximum value of \$7,150,000 (GST incl.), under Section 23 of the *Public Governance, Performance and Accountability Act*.

The Delegate confirms that the arrangement will be a proper use of relevant money, promotes the achievement of the purposes and financial stability of the entity Palantir, and is consistent with the policies of the Australian government.

References

s22

- C. Source Evaluation Report (SER) for DaaS IIC RFP – Approved 21 December 2024
(s47E(d))

s22

- E. Request for Tender – Source Evaluation Report s47E(d)

Attachments

1. DaaS IIC - Liability Risk Assessment – General
2. DaaS IIC – Data Liability Risk Assessment – Data Security, Privacy and Confidentiality

BACKGROUND

1. CASG is working to establish an Industrial Intelligence Capability (IIC) for Defence, with a primary aim of accessing data and information, and building an analytics capability that can translate the data into consumable information that will be used to inform the decision-making process across the life of a Defence project. The IIC will assist Defence with achieving the Defence Strategic Review's (DSR) recommendation of improving speed to capability.

2. Forming an integral piece of the IIC is access to Data-as-a-Service (DaaS).

s47E(d)

4. s47E(d)

he IIC is being established to support the outcomes identified in the DSR, and more recently the Defence Industry Development Strategy (DIDS) and the National Defence Strategy (NDS).

5. A two-stage tender process was conducted; an open market Request for Proposal (RFP) at Reference B was issued as an open tender under the *Commonwealth Procurement Rules*, followed by a Request for Tender (RFT) at Reference D, being issued to s47 short-listed parties from the RFP, in accordance with the RFP Source Evaluation Report which the Delegate approved, at Reference C.

6. In accordance with, and for the reasons set out in the RFT Source Evaluation Report at Reference E, which was approved by the Delegate, Palantir was approved as a preferred tenderer for the RFT to provide the primary capability that will deliver on Defence's objectives for the IIC. The Palantir Foundry application, delivered on a Software-as-a-Service basis, s47E(d), 47G was determined by the Tender Evaluation team to represent the optimum solution for achieving Defence's objectives for the DaaS element of the Industrial Intelligence Capability.

7. All figures in this Section 23 submission are quoted in Australian dollars.

CONSIDERATIONS INCLUDING VALUE FOR MONEY ASSESSMENT

8. A complete value for money assessment is set out in the RFT Source Evaluation Report at Reference E. No further circumstances arose in the course of negotiations that would impact the Tender Evaluation Board's assessment of the value for money represented by the Palantir offering.

9. The total Contract Price consists of the following components:

- The Professional Services Fee
- The Palantir Platform License Fee

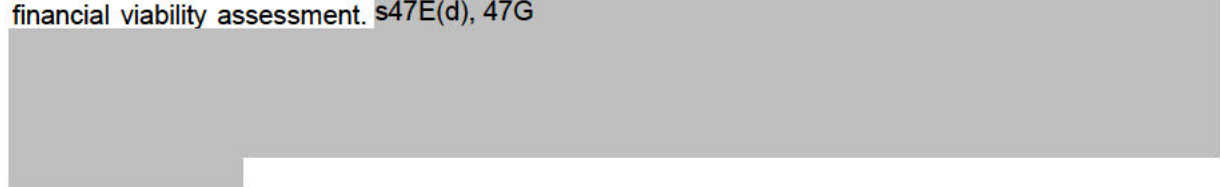
s47E(d), 47G

s47E(d), 47G



Financial Viability

33. As part of the tender evaluation, all tenderers were subjected to an external, independent financial viability assessment. s47E(d), 47G



s47E(d), 47G



FUNDS AVAILABILITY

37. The total maximum commitment for which Delegate approval is sought is set out in the Table 2 below.

38. Advice from the AIC Delivery Branch Finance Manager, confirms that there is funding available for the proposed commitment and the expenditure and is consistent with the purpose for which it was allocated.

39. The following financial codes will be used for this procurement:

Account Code: s47E(d)	Cost Centre:	WBS:	Fund No:
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40. The planned spread of commitment and expenditure, for this procurement is as set out in Table 2 below:

Table 2. Spread of Estimated Commitment/Contract Value (AUD)

Commitment/Estimate Expenditure	24/25 FY	25/26 FY	26/27 FY	Total
Professional Services Fee (GST excl.)	47G			
Licence Fees (GST excl.)				
GST				
FY Subtotal	47G			\$7,150,000

SPECIALIST ADVISORS

Financial advice

41. Specialist Financial Advice has been obtained on the financial aspects of the proposed commitment of relevant money. The Specialist Financial Advisor has confirmed the sufficiency of the budget, the soundness of the costing calculations, and the accuracy of the costing calculations. The following authorities have been consulted in the preparation of this submission:

Name	Position
s47F	Specialist Advisor Finance

Contracting and Procurement Advice

42. MPB has provided contracting, procurement and probity advice throughout the multi-stage procurement process.

Name	Position
s47F	Chief Contracting Officer, Materiel Procurement Branch

Legal advice

43. Defence Legal has been consulted in the preparation of, and assisted in the negotiation and drafting of the proposed contract.

Name	Position
s47F	Commercial Legal Advice, Defence Legal

F. SPECIALIST ADVICE - FINANCE

As Specialist Advisor Finance I confirm:

- ☐ the sufficiency of the budget;
- ☐ the soundness of the costing calculations; and
- ☐ the accuracy of the costing calculations.

..... s47F s22 s47F
 (Signature) (Printed Name) (PMKeys No) Business Manager (Appt/Position) (Date)

SECTION 23 – COMMITMENT APPROVAL

As Section 23 - Commitment Approver I confirm that:

- ☐ I have an appropriate delegation;
- ☐ the arrangement will be a proper use of relevant money;
- ☐ I have taken care and diligence and have made reasonable inquiries to ensure this arrangement meets all required procurement obligations, notably the Commonwealth Procurement Rules, the Accountable Authority Instructions, the Defence Procurement Manual, applicable Departmental Procurement Policy Instructions, and is not inconsistent with the policies of the Australian government;
- ☐ the benefits of entering into the arrangement outweigh the risk of locking away future budget flexibility;
- ☐ the costing assumptions are sound and costing calculations are accurate;
- ☐ I am acting in good faith and for proper purpose;
- ☐ I do not stand to gain advantage for myself or other persons or cause detriment to Defence, the Commonwealth or any other person;
- ☐ any real or perceived conflict of interest has been disclosed,

..... s47F A/AS AIC Delivery Branch
 (Signature) (PMKeys No) (Appt/Position No) (Date)