Ask Its Done Ltd                                    Reference: DIST/376
Horn Cottage
Burley Road
Christchurch
Dorset
BH23 7AL

FAO: [Redacted]                                    Date: 20 December 2016

Dear [Redacted]
**Offer Of Contract DIST/376 for the DNOC & BIDES Services**

1.      You are hereby informed of the Department's requirement and you are invited to accept the Offer of Contract, detailed in the attached Schedule of Requirements.  The Schedule describes the requirements and sets out the contract terms and conditions which will take effect on acceptance by you of the Department's Offer.

2.      If you wish to accept this Offer, please complete and sign both copies of the DEFFORM 10 returning one copy to me at the address shown above by post within 10 working days of the date of this Offer.  Your acceptance of the Department's Offer must be unqualified.  If you do not accept the Department's Offer within the period specified, then the Department's Offer will lapse.

3.      No contract will come into existence until you have accepted the Department's Offer in accordance with paragraph 2 above.  Accordingly, prior to your unconditional acceptance of this Offer, the Department shall not be responsible in any way whatsoever for any :

    a.  work undertaken by you; or

    b.  costs incurred by you.

4.      When you have accepted the Department's Offer in accordance with paragraph 2 above, you must proceed with the performance of the Contract.

5.      Where no price is stated in the price column of the Schedule of Requirements:

    a.      You must submit your quotation (supported where appropriate by a Certified Statement of Costs) as soon as practicable so that prices can be fixed in accordance with the provisions for price fixing contained in the Contract.  In order to assist with pricing, your quotation must include an analysis showing the way in which you have built up your price(s).  The analysis should show the amounts included under such headings as: Direct Labour (man hours and wage rates); Overheads; Materials; Bought out parts; Sub-contracted work; Special Jigs, tools etc; and Profit.

    b.      You must identify separately amounts in respect of work placed with subsidiary companies or firms.  You must also identify separately any other relevant information or explanations, e.g. of amounts included for contingencies, and provide explanations of these. In particular, if the wage rates or overhead rates are not those last agreed with the Department, you must give an explanation of the basis on which they have been calculated.

6.     The Authority may publish notification of the contract and shall publish contract documents under the FOI Act except where publishing such information would hinder law enforcement; would otherwise be contrary to the public interest; would prejudice the legitimate commercial interest of any person, or might prejudice fair competition in the supply chain

7.     If you wish to make a similar announcement you must seek approval from the named Commercial Officer.

8.     Under no circumstances should you confirm to any third party the fact of your acceptance of this Offer of Contract prior to informing the Department of your acceptance, and / or ahead of the Department's announcement of the Contract award.

9.     Nothing contained in this Offer and in the attached Schedule shall be construed as notifying or implying acceptance by the Department of any estimated or suggested price or of any condition of contract which may have been referred to orally or in writing in any previous discussion or correspondence.


Yours sincerely,
[Redacted]
[Redacted]

**Ministry of Defence**

# Acceptance of Offer of Contract

To: [Redacted] Of Ask Its Done Ltd

We acknowledge receipt of your Department's Letter of Offer, reference DIST/376 dated 20 December 2016, with associated documents and confirm that we accept the offer contained therein.  We understand that by accepting the Department's offer, we are entering into a legally binding contract.  We agree that any other terms and conditions or any general reservations, which may be printed on any of our correspondence in connection with this work, shall not be applicable to the contract.  We confirm that we are proceeding with the work.

We agree that the contract shall be subject to English Law (DEFCONs 529 and 530) unless we tick a preference for Scots Law (DEFCONs 529a and 530a).

| **Offer and Acceptance** | |
|---|---|
| A)  **Offer** | B)  **Acceptance of Offer of Contract** |
| Contract **DIST/376** constitutes an offer by the Authority for the supplier to supply the Deliverables.  This is open for acceptance by the supplier until **03/01/2017**.  By signing below the Contractor agrees to be bound by the attached Contract terms and conditions. | I acknowledge receipt of the Departments contract letter reference **DIST/376**<br><br>I confirm that I accept the Offer it contains and agree to be bound by its terms. |
| Signed by: | Signed by: |
| Name  (Block Capitals): [Redacted] | Name  (Block Capitals): |
| Position: [Redacted] | Position: |
| For and on behalf of the Authority | For and on behalf of |
| Authorised Signatory: | Authorised Signatory: |
| Date: 20/12/16 | Date[1]: |

| | |
|---|---|
| C)  **Scots law to apply?**  Yes ☐  No ☒ | |
| D)  **Tier 1 Sub-Contractor data**:[2] | |

Name …………………..  value of work (£ ex VAT) …………………  Location Of Work ……………SME: Yes / No

Name …………………..  value of work (£ ex VAT) …………………  Location Of Work ……………SME: Yes / No

Name …………………..  value of work (£ ex VAT) …………………  Location Of Work ……………SME:

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[1] The date of unqualified acceptance by signature is the effective date of the contract

[2] The MOD is required to report to the Government any spend with Small and Medium-sized Enterprises (SMEs) including Sub-contractors (Tier 1).  SMEs are defined by the EU on http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/index_en.htm

## Ministry of Defence

Yes / No

Name ………………….. value of work (£ ex VAT) ………………… Location Of Work ……………SME:
Yes / No

Name ………………….. value of work (£ ex VAT) ………………… Location Of Work ……………SME:
Yes / No