

## OFFICIAL

**RAF CAM NEC4 – Option C****Clause Reference/DEFCON/Genesis Table**

<b>Clause</b>	<b>Clause Heading</b>	<b>DEFCON/Genesis</b>
<b>PART 4 – Options Z: Additional Conditions of Contract.</b>		
<b>1. General</b>		
<b>Identified and defined terms</b>		
11.2.33	Definitions and Interpretation	DEFCON 501 (Edn 10/21). All the other definitions that were part of other DEFCONS listed below have been incorporated in this clause 11.2.33.
<b>Communications</b>		
13.9	Notices	DEFCON 526 (Edn 08/02)
13.10	Formal Amendments to the contract	DEFCON 503 (Edn 07/21)
13.11	Contract Change Control Procedure	DEFCON 620 (Edn 08/21)
13.13	Change of control of Contractor	DEFCON 566 (Edn 10/20)
<b>Prevention</b>		
19B	Corrupt Gifts and Payments of Comission	DEFCON 520 (Edn 08/21)
19D	Disclosure of Information	DEFCON 531 (Edn 09/21)
19E	Waiver	DEFCON 527 (Edn 09/97)
19G	Severability	DEFCON 538 (Edn 06/02)
19I	Rights of Third Parties	DEFCON 537 (Edn 12/21)
19K	Transparency	DEFCON 539 (Edn 01/22)
<b>2. The Contractor's main responsibilities</b>		
<b>Using the Contractor's design</b>		

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Clause	Clause Heading	DEFCON/Genesis
22.1	Intellectual Property Rights – Vesting in the Client	DEFCON 703 (Edn 06/21)
22A	Third Party Intellectual Property – Rights and Restrictions	DEFCON 632 (Edn 11/21)
22B	Inventions And Designs Crown Rights And Ownership Of Patents And Registered Designs	DEFCON 14 (Edn 06/21)
22C	Design Rights And Rights To Use Design Information	DEFCON 15 (Edn 06/21)
22D	Repair And Maintenance Information	DEFCON 16 (Edn 06/21)
22E	Retention Of Records	DEFCON 21 (Edn 06/21)
22F	Copyright	DEFCON 90 (Edn 06/21)
22G	International Collaboration	DEFCON 126 (Edn 06/21)
24C	Protection of Personal Data(Where Personal Data is being processed on behalf of the Client)	DEFCON 532B (09/21)
<b>Working with the Client and Others</b>		
25A	Decoupling Clause - Subcontracting With The Crown	DEFCON 681 (Edn 06/02)
<b>Subcontracting</b>		
26.8	Subcontracting and prompt payment	DEFCON 534 (Edn 06/21)
26.9	Advertising Subcontracts (Defence and Security Public Contracts Regulations 2011 only)	DEFCON 675 (Edn 03/21)
<b>Other responsibilities</b>		
27.7	Quality Assurance (with deliverable quality plan)	DEFCON 602A (Edn 12/17)
27.8	Access and facilities to be provided by the Contractor	DEFCON 608 (Edn 07/21)
27A	Progress reports	DEFCON 604 (Edn 06/14)
27B	Acceptance	DEFCON 525 (Edn 10/98)

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Clause	Clause Heading	DEFCON/Genesis
27C	Rejection	DEFCON 524 (Edn 12/21)
27E	Contractor's records	DEFCON 609 (Edn 07/21)
27F	Progress Meetings	DEFCON 642 (Edn 07/21)
27G	SME Spend data collection	DEFCON 678 (Edn 09/19)
27H	Timber and wood derived products	DEFCON 691 (Edn 03/15)
27I	Equality	DEFCON 516 (Edn 04/12)
27K	Use of Asbestos	DEFCON 624 (Edn 11/13)
27L	Special Jigs, Tooling and Test Equipment	DEFCON 23 (Edn 06/21)
27M	Co-operation On Expiry of contract	DEFCON 625 (Edn 06/21)
27N	Counterfeit Materiel	DEFCON 524A (Edn 02/20)
<b>Assignment</b>		
28A	Cyber	DEFCON 658 (Edn 09/21)
<b>Disclosure</b>		
29A	Security measures	DEFCON 659A (Edn 09/21)
29B	Official Sensitive Security Requirements	DEFCON 660 (Edn 12/15)
29E	Contractor's Personnel at Government Establishments	DEFCON 76 (Edn 06/21)
29F	Provision of a Shared Data Environment Service	DEFCON 687A (Edn 06/21)
29G	Supply of Hazard Data	DEFCON 68 (Edn 05/21)
<b>5. Payment</b>		
<b>Final assessment</b>		
53	Tax Compliance	DEFCON 670 (Edn 02/17)

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Clause	Clause Heading	DEFCON/Genesis
<b>New provisions<sup>1</sup></b>		
56	Import and Export Licences	DEFCON 528 (Edn 07/21)
58	The use of the electronic business delivery form	DEFCON 129J (Edn 11/16)
59	Payment and Recovery of Sums Due	DEFCON 522 (Edn 11/21)
59A	Unique identifiers	DEFCON 5J (Edn 11/16)
59B	Value Added Tax	DEFCON 513 (Edn. 07/21)
<b>7.Title</b>		
<b>The Client's title to Plant and Materials</b>		
70.3	Accounting For Property Of The Client	DEFCON 694 (Edn 07/21)
70A	Vesting	DEFCON 649 (Edn 12/21)
70B	Issued Property	DEFCON 611 (Edn 02/16)
70C	Specification Changes	DEFCON 502 (Edn 05/17)
70D	Loss of or damage to the Articles	DEFCON 612 (Edn 06/21)
<b>Objects and materials within the Site</b>		
73B	Special Procedure for Initial Spares	DEFCON 82 (Edn 06/21)
73C	Packaging (for Articles other than Munitions)	DEFCON 129 (Edn 02/22)
73D	Supply of Information for NATO Codification and Defence Inventory	DEFCON 117 (Edn 07/21)
<b>8. Risks and insurance</b>		
<b>Client's liabilities</b>		
80.2	War Risk Indemnity	DEFCON 661(Edn 06/21)
<b>9. Termination</b>		

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<sup>1</sup> These are new clauses which do not necessarily fit the existing NEC4 subheadings.

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Clause	Clause Heading	DEFCON/Genesis
<b>Termination</b>		
90A	Termination for Convenience – Contracts under £5 million / Termination for Convenience – Contracts of £5 million and over	DEFCONS 656A and 656B (Edn 08/16)
90B	Material breach	DEFCON 514 (Edn 08/15)
<b>Reasons for termination</b>		
91.1	Bankruptcy and Insolvency	DEFCON 515 (Edn 06/21)

Schedules	Schedule Heading	Genesis
<b>Part 5 - Schedules</b>		
Schedule 4	Minimum Requirement - Financial Management Reports to be Provided by Suppliers (linked to 27D)	DEFCON 647 (Edn 05/21)
Schedule 5	Accounting for Property of the Authority – Data & Format Requirements for PSA Records Annex A (linked to 70.3)	DEFCON 694 (Edn 07/21)
Schedule 6	Security Measures – Provisions to be Included in Relevant Sub-Contracts (linked to 29A)	DEFCON 659A (Edn 09/21)
Schedule 8	Annex A to DEFCON 82 (linked to 73B) – Part A: New Equipments  Annex B to DEFCON 82 (linked to 73B) Part B: Notification of Spares Required as a Result of Equipment Modification(s)	DEFCON 82 (Edn 06/21)

Mills & Reeve LLP

15/6/22

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