Compliance Matrix

1. Terms & Conditions

1.1 The Tenderer is required to indicate for each Contract Term and Condition in **Table 1**:

- whether they accept each Term or Condition as drafted,

- details of any proposed new or amended Term or Condition.

1.2 Note: This relates to the acceptance of the condition or clause itself, and not acceptance of any linked Annex(es). The Annex Compliance Matrix is held at Section 2 of this document.

1.3 The Authority **will not** consider proposed amendments to, or rejections of, Terms or Conditions marked as Non-Negotiable ('No') in Table 1 below.

1.4 The Authority **will** consider proposed amendments to, or rejections of, Terms or Conditions marked as Negotiable ('Yes') in Table 1 below.

1.5 If the Tenderer wishes to propose an amendment to an existing term, or include a new term, this must be detailed in **Table 2**, including an explanation as to why they want the new wording/amendment.

1.6 A full response is required and will be assessed in accordance with the process at DEFFORM47 - Annex D – Appendix 1 (Commercial Evaluation).

Table 1: Terms and Conditions

CLAUSES	Negotiable Yes / No	Accepted *Accept / Amend*
1. SCHEDULE OF REQUIREMENTS	[ALL INFORMATION REDACTED]	
2. GENERAL CONDITIONS		
DEFCON 76 (Edn. 11/22) - Contractor's Personnel at Government Establishments	[redacted]	
DEFCON 127 (Edn. 08/21) - Price Fixing Condition For Contracts Of Lesser Value – This applies to those tasks as identified under Clause 2.6.3 only.	[redacted]	
DEFCON 501 (Edn. 10/21) - Definitions and Interpretations	[redacted]	
DEFCON 503 (Edn. 06/22) - Formal Amendments to Contract	[redacted]	
DEFCON 515 (Edn. 06/21) - Bankruptcy and Insolvency	[redacted]	
DEFCON 516 (Edn. 04/12) - Equality	[redacted]	
DEFCON 518 (Edn. 02/17) - Transfer	[redacted]	
DEFCON 520 (Edn. 08/21) - Corrupt Gifts and Payments of Commission	[redacted]	
DEFCON 526 (Edn. 08/02) - Notices	[redacted]	
DEFCON 527 (Edn. 09/97) - Waiver	[redacted]	
DEFCON 528 (Edn. 07/21) - Import and Export Licences	[redacted]	
DEFCON 529 (Edn. 09/97) - Law (English)	[redacted]	
DEFCON 530 (Edn. 12/14) - Dispute Resolution (English Law)	[redacted]	
DEFCON 531 (Edn. 09/21) - Disclosure of Information	[redacted]	
DEFCON 532A (Edn. 05/22) - Protection of Personal Data (Where Personal Data is not being processed on behalf of the Authority)	[redacted]	
DEFCON 537 (Edn. 12/21) - Rights of Third Parties	[redacted]	
DEFCON 538 (Edn. 06/02) - Severability	[redacted]	

DEFCON 539 (Edn. 01/22) – Transparency	[redacted]	
DEFCON 540 (Edn. 05/23) – Conflicts of Interest	[redacted]	
DEFCON 550 (Edn. 02/14) - Child Labour and Employment Law	[redacted]	
DEFCON 565 (Edn. 07/23) - Supply Chain Resilience and Risk Awareness	[redacted]	
DEFCON 566 (Edn. 10/20) - Change of Control of Contractor	[redacted]	
DEFCON 608 (Edn. 07/21) - Access and Facilities to be Provided by the Contractor	[redacted]	
DEFCON 620 (Edn. 06/22) - Contract Change Control Procedure	[redacted]	
DEFCON 643 (Edn. 12/21) - Price Fixing (Non-qualifying contracts) – This applies to those tasks as identified under Clause 2.6.3 only.	[redacted]	
DEFCON 656B (Edn.08/16) - Termination for Convenience – Over £5M. For the purposes of Clause 1 of DEFCON 656B the period of notice shall be sixty (60) Business Days except for termination in accordance with the provisions of sub-clause 7.3.4, where the notice period shall be as stated in that sub-clause.	[redacted]	
DEFCON 658 (Edn. 10/22) - Cyber. Further to DEFCON 658 the Cyber Risk Profile of the Contract is Low, as defined in Def Stan 05-138.	[redacted]	
[INFORMATION REDACTED]	[redacted]	
DEFCON 670 (Edn. 02/17) - Tax Compliance	[redacted]	
DEFCON 675 (Edn. 03/21) - Advertising Subcontracts (Defence and Security Public Contracts Regulations 2011 only)	[redacted]	
DEFCON 697 (Edn11/22) - Contractors on Deployed Operations	[redacted]	
DEFCON 812 (Edn. 04/15) - Single Source Open Book - This applies to those tasks as identified under Clause 2.6.3 only.	[redacted]	
2.1 Definitions and Interpretations	[redacted]	
2.2 Contract Duration	[redacted]	
2.3 Full Operating Capability (FOC)	[redacted]	
2.4 Precedence	[redacted]	
2.5 Authority Representatives	[redacted]	
2.6 Formal Amendments to Contract	[redacted]	
2.7 Contract Change Control Procedure	[redacted]	
2.8 Contractor's Personnel	[redacted]	
2.9 Placing of Subcontracts	[redacted]	
2.10 Modern Slavery	[redacted]	
2.11 Notification of Overseas Expenditure	[redacted]	
2.12 Access to Authority Sites	[redacted]	
2.13 Security Measures	[redacted]	
2.14 Publicity and Communications with the Media	[redacted]	
2.15 Contractors on Deployed Operations	[redacted]	
2.16 Change of law	[redacted]	
2.17 Continuing obligations	[redacted]	
2.18 SPTC Interface	[redacted]	
2.19 Entire Agreement	[redacted]	
3. Contract Administration		
DEFCON 604 (Edn. 06/14) - Progress Reports	[redacted]	
DEFCON 609 (Edn. 07/21) - Contractor's Records	[redacted]	
DEFCON 625 (Edn. 06/21) - Co-operation on Expiry of Contract	[redacted]	
DEFCON 642 (Edn. 07/21) - Progress Meetings	[redacted]	
DEFCON 647 (Edn. 05/21) - Financial Management Information	[redacted]	
DEFCON 678 (Edn. 09/19) - SME Spend Data Collection	[redacted]	
3.1 Meetings	[redacted]	
3.2 Communication	[redacted]	
3.3 Progress Reports	[redacted]	

3.4 Stock Reports	[redacted]	
3.5 Equipment Delivery Reporting	[redacted]	
3.6 Financial Reporting	[redacted]	
3.7 Safety Reporting	[redacted]	
4. Specification, Plans, etc		
DEFCON 68 (Edn. 10/22) - Supply of Data For Hazardous Articles, Materials And Substances	[redacted]	
DEFCON 82 (Edn. 06/21) - Special Procedure For Initial Spares	[redacted]	
DEFCON 117 (Edn. 07/21) - Supply of Information for NATO Codification And Defence Inventory Introduction	[redacted]	
DEFCON 129 (Edn. 02/22) - Packaging (For Articles other than Munitions)	[redacted]	
DEFCON 601 (Edn. 04/14) - Redundant Material	[redacted]	
DEFCON 602A (Edn. 04/23) - Quality Assurance (With Deliverable Quality Plan)	[redacted]	
DEFCON 606 (Edn. 07/21) - Change and Configuration Control Procedure	[redacted]	
DEFCON 624 (Edn.08/22) - Use of Asbestos	[redacted]	
DEFCON 627 (Edn. 11/21) - Quality Assurance - Requirement for a Certificate of Conformity	[redacted]	
DEFCON 637 (Edn 05/17) - Defect Investigation and Liability	[redacted]	
DEFCON 644 (Edn.07/18) - Marking of Articles	[redacted]	
4.1 Business Continuity Management	[redacted]	
4.2 Risk Management	[redacted]	
4.3 Quality Assurance	[redacted]	
4.4 Change and Configuration Control	[redacted]	
4.5 Procedure for Making Direct Agreements with Sub-Contractors	[redacted]	
4.6 Sustainable Procurement	[redacted]	
4.7 Safety and Environment	[redacted]	
4.8 Obsolescence Management	[redacted]	
4.9 Contractor’s Test Acceptance Approval	[redacted]	
5. Intellectual Property Rights		
DEFCON 632 (Edn. 11/21) - Third Party Intellectual Property - Rights and Restrictions	[redacted]	
DEFCON 703 (Edn. 06/21) - Intellectual Property Rights - Vesting in The Authority	[redacted]	
5.1 Third Party IPR Authorisation	[redacted]	
5.2 Employee's Acknowledgement to Employer of Obligations Relating to Confidentiality	[redacted]	
5.3 Controlled Information	[redacted]	
6. Loans		
DEFCON 23 (Edn. 06/21) - Special Jigs, Tooling and Test Equipment For the purposes of the Contract, the reference(s) to "the Equipment Accounting Instructions" in DEFCON 23 is amended to read "DEF STAN 05-99".	[redacted]	
DEFCON 611 (Edn. 12/22) - Issued Property	[redacted]	
DEFCON 694 (Edn. 07/21) - Accounting for Property of the Authority	[redacted]	
DEFSTAN 05-099 - "Managing Government Furnished Equipment in Industry" Part No: 1 - "Provides end to end view of MOD requirements for the management of GFE in Industry" Issue No: 1 dated 14/07/2017	[redacted]	
6.1 Government Furnished Assets	[redacted]	
6.2 Government Furnished Information	[redacted]	
7. Delivery		
DEFCON 5J (Edn. 18/11/16) - Unique Identifiers	[redacted]	
DEFCON 113 (Edn.02/17) - Diversion Orders	[redacted]	

DEFCON 129J (Edn. 18/11/16) - The Use Of The Electronic Business Delivery Form	[redacted]	
DEFCON 507 (Edn. 07/21) - Delivery	[redacted]	
DEFCON 514 (Edn. 08/15) - Material Breach	[redacted]	
DEFCON 524 (Edn. 12/21) – Rejection	[redacted]	
DEFCON 524A (Edn. 12/22) - Counterfeit Material	[redacted]	
DEFCON 525 (Edn.10/98) – Acceptance	[redacted]	
DEFCON 612 (Edn.06/21) - Loss of or Damage to the Articles	[redacted]	
DEFCON 621B (Edn 10/04) – Transport (if the Contractor is responsible for transport)	[redacted]	
7.1 Delivery of Articles	[redacted]	
7.2 Self-to-Self Delivery	[redacted]	
7.3 Force Majeure	[redacted]	
7.4 Liquidated Damages	[redacted]	
8. Pricing		
8.1 Contract Pricing	[redacted]	
8.2 Pricing of Field Electrical Power Supplies – Support Service (SOR line Item 3)	[redacted]	
8.3 PDS and Ad-Hoc Tasking Authorisation and Performance of Work	[redacted]	
8.4 Incident Sentencing Process	[redacted]	
8.5 Exercise of Options	[redacted]	
8.6 Variation of Price	[redacted]	
9. Payment Terms		
DEFCON 513 (Edn. 04/22) - Value Added Tax	[redacted]	
DEFCON 522 (Edn 11/21) - Payment and Recovery of Sums Due	[redacted]	
DEFCON 534 (Edn. 06/21) - Subcontracting and Prompt Payment	[redacted]	
DEFCON 649 (Edn. 12/21) - Vesting	[redacted]	
9.1 Payments for Transition and FEPS-S Service Set-up, Inspection & Salvage (Items 1, 2, 4a and 5)	[redacted]	
9.2 Payment for FEPS-S Service (Item 3)	[redacted]	
9.3 Gainshare	[redacted]	
9.4 Anchor Milestones	[redacted]	
9.5 Supplier's Performance – Key Performance Indicators (KPIs)	[redacted]	
9.6 Step-in Right – Authority	[redacted]	
9.7 Relief Events	[redacted]	
10. Field Electrical Power Supplies – Support (FEPS-S) Service	[redacted]	
11. Transfer of Undertakings (Protection of Employment, Contractor to Contractor)	[redacted]	
12. Business Capability Connectivity	[redacted]	
13. Assumptions	[redacted]	
14. Contract termination (other than a force majeure event based termination)	[redacted]	
15. Warranty	[redacted]	
16. Limitation of Contractor's Liability	[redacted]	
17. General Exit Strategy	[redacted]	

Table 1 –Terms & Conditions Compliance

Table 2: Proposed New or Amended Term or Condition

Section	Clause Number	Proposed New Wording / Proposed Amended Wording (with an explanation as to why the new wording/amendment is being requested)

Table 2 – Proposed New or Amended Terms & Conditions

2. Annexes

2.1 The tenderer is required to indicate for each Contract Annex in **Table 3**:

- whether they accept each Annex as drafted,

- details of any proposed new or amended Annex.

2.2 The Authority **will not** consider proposed amendments to, or rejections of, Annexes marked as Non-Negotiable ('No') in Table 3 below.

2.3 The Authority **will** consider proposed amendments to, or rejections of, Annexes marked as Negotiable ('Yes') in Table 3 below.

2.4 If the Tenderer wishes to propose an amendment to an existing Annex, or include a new Annex, this should be detailed in **Table 4,** including an explanation as to why they want to amend an Annex / include a new Annex/. Any new or amended Annex should be provided along with the Tenderer's Return.

2.5 A full response is required and will be assessed in accordance with the process at DEFFORM 47 - Annex D – Appendix 3 (Technical Performance Evaluation).

2.6 Where an Annex is subject to separate assessment, this is noted in Table 3.

Table 3: Annexes

Annex	Negotiable *Yes / No* *[ALL INFORMATION REDACTED]*	Accepted *Accept / Amend / Reject*
Annex A - Field Electrical Power Supplies – Support (FEPS-S) Service Statement of Work (SoW)	[redacted]	
Annex B - Key Performance Indicators (KPIs)	[redacted]	
Annex C - Delivery, Completion and Anchor Milestones	[redacted]	
Annex C - Appendix i - Payment Plan for SOR Items 1, 2, 3, 4A, 4B, 5	[redacted]	
Annex D - Contractual Data Requirements List (CDRL) (DEFFORM 315)	[redacted]	
Annex D - Appendix i - Integrated Logistic Support Plan (ILSP)	[redacted]	
Annex E - FEPS-S Service Terms of Reference (TORs)	[redacted]	

Annex F - Safety and Environmental Requirements	[redacted]	
Annex F - Appendix i - DEFFORM 68 Hazardous Articles, Materials or Substances Statement by the Contractor	[redacted]	
Annex G – Equipment Deliveries	[redacted]	
Annex H - Contractor's Final Tender Response	[redacted]	
Annex H - Appendix i - Equipment Transition Plan	[redacted]	
Annex H - Appendix ii - Social Value Plan [Assessed in accordance with the process at DEFFORM 47 - Annex D – Appendix 4 (Social Value Evaluation).]	[redacted]	
Annex H - Appendix iii - Integrated Support Plan	[redacted]	
Annex H - Appendix iv - SPTC Interface	[redacted]	
Annex I - Contractor's Commercial Sensitive Material – DEFFORM 539A	[redacted]	
Annex J - Employee Confidentiality Agreement – DEFFORM 702	[redacted]	
Annex K - Security Aspects Letter	[redacted]	
Annex L - Definitions and Interpretations	[redacted]	
Annex M - Contractual Assumptions	[redacted]	
Annex N - Government Furnished Assets (GFA) List	[redacted]	
Annex O - FEPS-S Service Price Reconciliation	[redacted]	
Annex O - Appendix i - Reconciliation Worksheet	[redacted]	
Annex P - Gainshare Framework Agreement	[redacted]	
Annex P - Appendix i - Gainshare Change Proposal Form and Register	[redacted]	
Annex Q - Contract Options	[redacted]	
Annex R - Post Design Service (PDS) and Ad-Hoc Tasking Pricing Information	[redacted]	
Annex S - Post Design Service (PDS) and Ad-Hoc Tasking Proforma	[redacted]	
Annex T - Change and Configuration Control	[redacted]	
Annex U - Design Rights and Patents Subcontractor Agreement	[redacted]	
Annex V - Special Jigs, Tooling and Test Equipment	[redacted]	
Annex W - TUPE	[redacted]	
Annex X - Exit Management Plan	[redacted]	

Table 3: Bid Compliance - Annexes

Table 4: Proposed New or Amended Annex(es)

Annex	New/Amend	Reason for Amendment / Inclusion

Table 4: Proposed New or Amended Annexes