



Australian Government
Department of Defence

Inspector-General Group

**AUDIT INVESTIGATION INTO
PROCUREMENT OF COMBAT FLEECE
JACKET**

22 DECEMBER 2005

Coordinating Director

**DMA (South)
P. O. BOX 873K (VDM-M-1)
MELBOURNE VIC 3001
john.wiseman@defence.gov.au**

**Investigator
Auditors**

**Jason Woods
John Wiseman
Swaminathan Krishnaswamy**

Report No: 05/187

PART 1 – SUMMARY OF INVESTIGATION

Executive Summary

Focus for the investigation

1. In January 2005 Management Audit Branch (MAB) South was asked to provide assistance to General Investigation and Review (GIR) in the investigation of complaints made by Mr Peter Marshall of Crossfire Australia Pty Ltd (Crossfire), regarding the procurement of fleeco combat jackets. These complaints, treated as allegations, provided the focus for the investigation. A joint GIR/MAB team (the review team) was formed to conduct the investigation. The review team made a number of recommendations which, for ease of administration, will be treated as MAB recommendations.

2. The review team found that the fabric for the combat jacket was selected prior to the issue of Request For Tender (RFT) G5-202862 but this was not made clear to the market. This had the effect of imposing unnecessary expense on industry and favoured potential suppliers who were aware of the preferred fabric. S43 (1) (c) i

3. The review team established that the primary driver for the errors was not a desire to favour one supplier but rather the perceived need to take advantage of the availability of funds. The time pressure associated with funds becoming available, through slippage in the Army Minor Capital Investment Program, caused an incomplete development process to be drafted into production without adequate testing and before the specification was finalised.

4. S43 (1) (c) i

5. S43(1)(c)i

There was ad hoc and informal granting of concessions, which were not reflected in formal changes to the specifications which remain unchanged at Issue 1 in each case. S43(1)(c) i & s41 (1)

This claim will be dealt with in more detail later in this report. The review team's findings against specific allegations are below.

Caveat

6. Some of the persons and entities referred to in this report have not had the opportunity of responding to the matters raised. Some of the documents quoted appear to have originated in

S43 (1) (c) i

Defence but have been provided by entities outside Defence. In the interests of natural justice any finding which appears adverse should be put to the parties involved for their response. S41 (1)

Allegation 1

7. It was alleged that the tender process was engineered to favour a predetermined outcome, with specifications and timings which could not be met and which suggested that advanced warning was required.

Finding on allegation 1

8. The review team concluded that timing and the quantity were driven by the availability of funds and that the fabric specification was essentially based on ^{S43(1)} product. ^{S42(1)} knowledge of the ^{S43(1)} prior cut, make and trim work with that fabric on similar jackets, and the resultant ability to price the garment according to Defence expectations ^{S43(1)}. This does not suggest any wrongdoing whatsoever on the part of that company. S41 (1) (c) i

9. The actual situation was somewhat worse than alleged in that part of the tender process was effectively redundant because the key decision on fabric had already been reached prior to release of the RFT.

Allegation 2

10. It was alleged that Crossfire was not provided with adequate information during and after the tender process with inquiries either being avoided or receiving insufficient responses and misinformation.

Finding on allegation 2

11. The review team concluded that the allegation was correct. A key factor in forming this view was that Mr Marshall was not told that the decision had already been made as to the fabric. He was also provided with an insufficient and misleading response regarding the need for testing. Despite what Mr Marshall was told, no test certificates were required to be submitted as part of the tender process. The tender evaluation process did not involve any evaluation of the fabric.

Allegation 3

12. It was alleged that substandard jackets comprising of materials which do not meet the tender specifications were supplied by the successful tenderer in breach of the contract however this has been overlooked by Defence Materiel Organisation Combat Clothing (DMOCC) staff.

Finding on allegation 3

13. S43 (1) (c) i

Instead, concessions were simply granted informally without amendment to the specifications. This is not an adverse finding against the companies involved.

S43 (1) (e) i

Allegation 4

14. It was alleged that the supplied jackets pose a risk to operational military personnel.

Finding on allegation 4

15. The review team considered that the two safety issues raised by Mr Marshall (representative of Crossfire) were the trigger snag hazard and flammability. With regard to the trigger snag hazard, Land Engineering Agency (LEA) was tasked with conducting tests, albeit belatedly and in respect of a similar jacket, rather than the combat fleece jacket per se. Those tests, which did not consider available options such as moving the toggle or changing the type of toggle, concluded in part, that 'the toggle assembly does not demonstrate a significant safety hazard and is not likely to cause inadvertent discharge of a weapon'. The greatest failure regarding the toggle issue appears to be lack of notification to inform Mr Marshall that tests had been undertaken.

16. There was no evidence that Defence had undertaken relevant scientific testing as to flammability² and the exchange of wool/nylon cuffs in lieu of meta aramid cuffs may have increased any risk to wearers.

17. The review team could not reach a conclusion on the flammability issue due to lack of relevant scientific testing. Some informal testing was undertaken but no reasonable conclusion can be based on this.

Allegation 5

18. It was alleged that DMOCC ignored advice from Crossfire in relation to flaws in the design and specifications of the combat jacket. Mr Marshall claimed that these flaws have been realised since the jackets were issued and documented in numerous Report(s) on Defective or Unsatisfactory Materiel (RODUM).

Finding on allegation 5

19. The review team concluded that action taken regarding the advice was unsatisfactory. DMO is under no obligation to act on advice received from industry, but as a matter of courtesy, it should be acknowledged.

² The review team noted that fire related terms such as flame resistant, flameable, FR, flame hazard, and variations on these had been used across the documents available for this investigation. The review team has not attempted to differentiate between those terms. The Macquarie dictionary provides the following definitions:
Flame-resistant; of or pertaining to that which cannot be ignited easily as of certain types of fabric
Dammable; easily set on fire, combustible, inflammable

Allegation 6

20. It was alleged that immediately following the awarding of the contract to ^{s43(1)} for the supply of 33100 jackets, two further orders were placed with this company for a total of 46400 jackets under a re-order clause in the contract.

Finding on allegation 6

21. The review team concluded that the total number of jackets ordered varied only slightly from the number claimed. s43 (1) (c) i

22. Ignoring semantic arguments concerning 'immediately', the review team concluded that the allegation is generally correct.

Allegation 7

23. It was alleged that the amount of jackets ordered during this initial period was excessive s43 (1) (c) i

Finding on allegation 7

24. The review team concluded that the allegation is correct. s43 (1) (c) i

25. s43 (1) (c) i

Allegation 8

26. It was alleged that ^{s43(1)} within ^{s43(1)}, resigned from the DMO to take up a position with ^{s43(1)}. This allegedly occurred shortly after the awarding of the contract however it is asserted that ^{s43(1)} prior to the closure of the tender process which infers a relationship existed between ^{s43(1)} and ^{s43(1)} during the tender process.

Finding on allegation 8

27. On the evidence available to the review team it appears correct that ^{s43(1)} s43(1), s43(1)

¹ WP 13.4
⁴ WP 13.1.2
s43 (1) s43 (1)

S41(1) S43 (1)

28. S43 (1) (c) i

Management Action Plan

About the management action plan

29. MAB is required to report to the Defence Audit Committee (DAC) on the implementation of audit recommendations made. The Management Action Plan below enables MAB to report to DAC:

- the corrective action required
 - the officer or area that will take corrective action, and
 - a target date for completion of implementation of the recommendation.
-

Categories of recommendations

30. MAB recommendations are graded into three categories:

Level 1 – significant operational/management deficiencies which have a high materiality or financial/performance risk which requires urgent action, or opportunities to obtain significant performance/resource benefits which must be addressed as a matter of urgency.

Level 2 – operational/management deficiencies which have medium materiality or financial/performance risk which should be rectified by management in the short term, or an opportunity to obtain performance/resource benefits which should be implemented in the short term.

Level 3 – administrative shortcomings which have minor materiality or financial/performance risk, which require rectification, or improvements which should be addressed as resources permit.

Continued on next page

Management Action Plan

MAB Recommendation				Action required to implement	
No.	Recommendation	Level	Action required by	Management Action	Target date
1	<p>Prior to release of a Request For Tender, Director Soldier Support Systems Program Office certify that:</p> <ul style="list-style-type: none"> • Specifications are complete, appropriate and approved • Unless otherwise stated in the Request For Tender no part of the requirement subject to the Request For Tender has already been decided • The Request For Tender clauses do not create an unnecessary barrier to competition nor cause unnecessary cost to potential tenderers • The tender period is appropriate in terms of duration and timing, and • Tender sample and test requirements are appropriate. 	1	Director SSSPO	Agreed. Soldier Support SPO will develop a detailed checklist to validate that all aspects of the procurement process have been followed. This checklist will include technical, contractual, financial and management aspects. This checklist will be prepared in conjunction with MAB to ensure that all aspects are appropriately addressed.	30 Jun 06
2	Implement a checklist for procurements across the Branch, and implement a system of regular reviews to ensure conformance. This checklist will include regular internal audits of conformance with the requirements of LSD Operating Procedures, the Army Technical Regulatory Framework and requirements for procurement documentation, including tender documentation.	1	Director General Land Combat Systems	Agreed.	30 Jun 06

3	A sample of fleece jackets already delivered be submitted for scientific testing regarding flammability.	2	Director Soldier Support Systems Program Office	Agreed. The SPO will arrange for flammability tests to be conducted on a sample of fleece jackets.	31 May 06
4	S43 (1) (C) 1	2	Director SSPO	Agreed. S43 (1) (C) 1	26 May 06
5	The matter of future use of the Howard Green jumpers be referred back to ACPBC for proper consideration of options.	2	Director Soldier Support Systems Program Office	Agreed. DSSSPO will formally write to Army HQ seeking direction for the use of Howard Green jumpers.	10 Mar 06
6	DGLCS consider whether performance management action is warranted in respect of individuals, including those at supervisory levels.	2	Director General Land Combat Systems	Agreed.	28 Apr 06

PART 2 – THE INVESTIGATION

Investigation into procurement of Fleece Combat Jackets (AMIS Task 05-187 and DPSMS INV-FIR-FIR-25-2004)

Background to the investigation

31. In January 2005 MAB South was asked to provide assistance to GIR in the investigation of complaints made by Mr Peter Marshall of Crossfire regarding the procurement of fleece combat jackets. Consequently, a joint review team was formed from representatives of MAB and GIR.

32. In addition to the requirement for a report detailing the review team's findings against the allegations, Assistant Secretary Management Audit (ASMA) also directed that an audit investigation report be prepared to address any deficiencies identified in the procurement process generally.

33. The audit investigation report follows the procurement process, and includes references to allegations and related findings at points where the allegation is relevant to the stage of the process.

The procurement process

Identification of a need

34. The Combat Soldier Ensemble Integrated Project Team (CSE IPT) was established to develop a range of clothing and equipment capable of supporting operations and training within the climatic conditions of Australia and its area of strategic interest. In 2000, Director General Land Development (DGLD) issued the CSE IPT with Development Guidance.⁶ The guidance included reference to moisture wicking, the climatic ranges for operational use and specified, inter alia, that flammable material such as polypropylene should not be used. In particular, it specified a wool pile liner, defined as a polartec style jacket made from low flammable material for cold weather to be worn under the patrol jacket. This garment would replace the wool jumper commonly known as the Howard Green.

35. In 2001 the Combat Soldier Ensemble Integrated Project Team (CSE IPT), considering the Development Guidance, developed the three layer ensemble. This consisted of an inner layer (the Norwegian skivvy), a wool fleece combat jacket (or sweater), and outer layer of wet weather jacket and trousers (the wet weather ensemble). The item of particular interest to this review is the wool fleece combat jacket.

36. The review was also informed that Chief of Army's intent to address morale issues associated with soldier's kit impacted upon this issue.

⁶ Memo from DDCS to DMO, reference 2000/24132/1, Work Paper Ref 6.81.17

37. Operational issues including the deployment of Special Forces personnel to Afghanistan and Iraq, highlighted the need for uniform items which provided protection to soldiers operating in extreme climates. Prior to Afghanistan, Special Air Services Regiment (SASR) was issued, on an as required basis, with an ad hoc assortment of cold weather clothing. When the order was given to prepare for Afghanistan it was realised that extreme cold weather would be faced and that additional cold weather equipment would be needed. The Regiment's investigation found that the ADF supply system could not provide the extreme cold weather clothing required. This supply deficiency, and the timeframe for deployment, meant that the required items were obtained through civilian purchases. The Regiment found that the initial 'civilian purchase' functioned to a satisfactory standard with some limitations during the heights of winter during rotation one. However, this rapid procurement for SASR motivated the system toward the development and acquisition of cold weather clothing that would meet the requirements of future operations in different climates that the Army, and the Regiment in particular, might face.⁷

38. The CSE IPT developed a clothing ensemble with a layered approach that provides a progressive increase in protection to allow for changes in climate and activity levels. It has a second thermal layer comprised of a combat jacket manufactured from a pure wool fleece, and compared to the in-service clothing, provided reduced weight/volume and enhanced thermal protection, particularly against wind chill.

39. DMO Project Land 132⁸ covered the procurement of equipment for 4 RAR to equip them as a Commando Battalion instead of as an Infantry Battalion. Mr Gordon Dennis of Land 132 approached the Combat Clothing Development Cell (CCDC) (MAJ Des Scheidl) in early 2002 with a view to obtaining a quantity of fleece jumpers for trial by 4 RAR. CCDC were at the time in the process of developing a prototype fleece jumper, possibly in support of the CSE IPT activity.

40. CCDC, with funding from Land 132, designed and had manufactured, 100 of each of two versions of a fleece combat jacket. s43 (1) (c) |

41. As a consequence of the 31 July 2002 Minor Capital Programming Committee (MINCAPPC) meeting it was confirmed that the budget year was under-programmed by some \$23m⁹. Consequently, Army and DMO SPO staff developed a series of fleet enhancement proposals which included a combat sweater manufactured from a pure wool fleece. Supporting documentation referred to successful trials conducted during OP SLIPPER and by 4 RAR.

42. On 21 April 2005 the review team had discussions with Mr Gordon Dennis, Project Officer with Land 132, regarding the process for trialing combat jackets. He

⁷ SASR brief to SOJ8 dated 15 April 03, 6.128.1/4

⁸ Additional Commando Capability (Initial enhancement)

⁹ CA minute OCA/OUT/2002/1423 dated 11 September 02

.

.

.

advised that during February 2002 he held discussions with MAJ Des Scheidl, the (then) Officer in Charge of the CCDC. These discussions culminated in the manufacture of 200 jackets being two styles of jackets with options on frontal zip and different styles of cuff, collar and waistband. The material was a laminate type with a micropore membrane with two fleeces facing materials to ensure that the user remains dry and warm under wet conditions.

The intended trial

43. The intention was to trial these jackets (100 of each type) on 100 members. Each member would have two jackets and thus would be able to compare and assess the various aspects of the jacket. Based on the feedback provided by members, the best and appropriate features of each of the jacket would be combined in the final jacket.
543 (4) (c) 1

44. The review team was advised that no trial and evaluation plan had been developed¹⁰. Paragraph 3.1.2 of the Tender Specification Army (Aust) 6769¹¹ issued on 8 November 2002 on test states "The Commonwealth often collects verification test data through the performance of trials. Trials shall be conducted in accordance with the appropriate Test and Evaluation Plan." In lieu of a plan there was a briefing of 4 RAR Quartermaster staff, which was said to have been backed up by e-mail advice. However, the review team could not locate this e-mail.

45. It should be noted that since the specification was developed from the physical garment, the requirement in the specification to conduct trials in accordance with the appropriate Test and Evaluation Plan post-dated the 4 RAR trial.

The actual trial

46. The 4 RAR trial had commenced on or about 29 May 2002 when the 200 jackets were delivered to the 4 RAR Q store with instructions that 100 members be given two jackets each so that the relative merit of aspects of each jacket could be assessed. When Mr Dennis and MAJ Scheidl returned to 4RAR to get the feedback on the trial they learnt that the trial had not been conducted as planned. Mr Dennis explained that towards the end of May 2002, 200 soldiers were actually given one jumper each and hence, the planned comparison/exercise could not be performed. In his words "we just had to take a gut feeling or a consensus opinion from the soldiers' comments."

47. The feedback session, an 'informal one around a gum tree', was held at 4 RAR in the presence of Mr Dennis, MAJ Scheidl, MAJ Anthony Thomas, the Development Officer, and probably the QM of the 4 RAR Q Store, with some 30 to 40 soldiers. There was no formal feedback questionnaire. Members' verbal feedback was documented by MAJ Scheidl to facilitate improvements to the prototype version.

¹⁰ Specification 6769 required that trials shall be conducted in accordance with the appropriate Test and Evaluation Plan.

¹¹ The specification is for the combat fleece jacket. Work Paper Ref 6.62.46

48. Mr Dennis advised that there were no complaints about the fleece fabric's performance but there were complaints about the form of the jacket. The feedback in relation to the zip, cuff and collar was described as generally favourable. However, members expressed dissatisfaction with the cotton elbow and shoulder patches which when wet made the jacket heavy. As part of the overall feedback, MAJ Thomas provided positive comment on the performance of the fleece fabric. He stated that he had worn the jacket during a water exercise. This was held about 2am on a boat when it was raining with strong wind. He was comfortable, thus indicating that the jacket was serving its purpose in keeping him warm and dry.

49. The review team located two reports from SASR which relate to trials of fleece garments, described as the 'Desert Cam Oversuit'. The first¹², dated 28 June 2002, is critical of many aspects and concluded that the garments were not suitable for extreme cold weather and protection against wind as experienced during operations conducted during winter months in Afghanistan. The second report, dated 15 April 2003, is extremely complimentary but appears to relate to a garment with a Gore membrane and is therefore considered to be of little relevance to the khaki combat fleece.

50. The ACPEC meeting of 6 August 2002 assigned priority three to funding for the fleece jacket in that financial year. During the ACPEC meeting MAJ Scheidl presented his brief on the combat jacket trial results and conducted a demonstration of a prototype fleece jacket. One of the action items for the meeting was that a Fleet Enhancement Proposal (FEP) be developed. The resultant FEP¹³, dated 8 August 2002, linked the development guidance of CSB IPT, the 4 RAR trial, and identified the quantity of jackets and provided an estimate of funds required. ^{s43 (1) (a) 1}

51. The SASR and whole of Army requirements appear to have diverged around August 2002. Through SASR feedback it was recognised that the Regiment's cold weather solution required a three-layer "Gore-Tex Windstopper" fabric in lieu of the alternative material being pursued by DMO.¹⁴

52. Army's intention for the project was that 79000 combat jackets would be procured in accordance with AHQ requirements and issued in two phases.¹⁵

Development of the specifications

53. Mr Stuart Lawrie advised the review team that he had drafted the specifications. He also advised that the specification for the fleece jacket was developed from physical garments ^{s43 (1) (a) 1}. He advised that the specification was to be for a fleece fabric similar to that used for a rapid acquisition to equip troops for service in Afghanistan. ^{s43 (1) (a) 1}

^{s43 (1) (a) 1}

¹² WP6.125.1

¹³ WP6.10.1-2

¹⁴ E-mail from Paul Roberts to SASR dated 26 August 02 (113 of 2003/14019/1

¹⁵ Draft ILSI for the Combat Jacket. WP6.121.8

garments for trialing." Consequently, this fabric was used in the manufacture of fleece garments for Special Forces and as reported earlier, trialed by SASR.

59. The CCDC continued its development of a fleece garment to meet the requirement of the three layer cold weather ensemble. Despite the results of the SASR trials, it is apparent that a commitment to the ^{S43 (1) (c) 1} continued, with a particular focus towards the fabric preferred by DSTO. This fabric was later used in the prototype garment which was presented to ACPEC in August 2002. Once the decision was made for the procurement of the combat jacket, the specifications were prepared with direct reference to the performance levels of this fabric. The review team was unable to locate any evidence of contact between the CCDC and DSTO in relation to an investigation of fleece fabric in support of a broader development purpose.

60. It later became evident to DSTO that DMO were procuring the combat jacket without DSTO's formal involvement in the development of the capability. This caused Mr Egglestone to raise the issue with Mr Roger Lough in an e-mail dated 30 September 2002²⁰. In this he stated:

- "I had a visit from a DMO member from the Soldier Combat Support (SCS) area last Wednesday. He indicated that the Army had an underspend (I found that hard to believe) and that all the troops were going to be supplied with a fleece jacket, Norwegian skivvy and a set of wet weather gear (trousers and jacket). The annoying part is that DSTO have not been involved in any development. All that we have done is determine the thermal insulation for two alternative fleece fabrics sent via DMO earlier this year. This was to support an urgent request that DMO had to supply a cold weather jacket for the Special Forces operating O/S."

61. This situation was reaffirmed during the interview with Mr Stuart Lawrie. He informed the review team that when preparing the specification for the combat jacket, he contacted DSTO for guidance on the technical performance of the fabric. He was aware that DSTO had conducted ^{S43 (1) (c) 1}

62. Mr Christopher Harrison, former MAJ and OC of the CCDC informed the review that DSTO were not always approached for assistance with the development of an item. He commented that there was an apparent reluctance to involve DSTO. He indicated that DSTO resource constraints increased the turnaround time while their scientific testing and trials were often costly and impacted upon a project's funding.

²⁰ WP 6.66.3-4

The Fleet Replacement /Enhancement Proposal

63. The Fleet Replacement /Enhancement Proposal²¹ for the Army Combat Sweater (Cold Weather Ensemble) was released on 8 August 2002. It was recommended that the MINCAPPC support procurement of the enhanced Combat Jacket up to the value of \$3.31m. The Proposal included a statement that considerable design work had been undertaken and limited trials were being conducted at 4 RAR, and from these results Land Systems Division (LSD) was required to develop specifications for raw material fabric and garment manufacture. User sign off was to be obtained through Army Headquarters (AHQ).

The Equipment Acquisition Strategy (EAS)

64. On 4 November 2002 BRIG Lillie, (then) DGLCCS, endorsed the Equipment Acquisition Strategy (EAS)²². The Tender Evaluation Plan (TEP)²³ was issued in November 2002 by SO2 Minor Projects. The RFT was issued on 27 November 2002, with the tender closing date being 13 January 2003.

65. The procurement strategy outlined in the EAS for the Army Combat Sweater noted that:

- "This item is an enhancement of a current in service item of the Army inventory. The method of procurement is to use the open tender methodology to identify a COTS²⁴ material and assess the market place for best value for money. The Commonwealth will not be supplying any material in aid as in previous procurements of this nature. The specification will define the performance of the materials to be used in the manufacture of the garment. The successful tender is to provide documented evidence of conformance to the specified requirements."

66. Despite the strategy dictating identification of a COTS material the fabric chosen was clearly still in development. The tender evaluation process did not involve any evaluation of the fleece fabric. As subsequent events show clearly, either the specification (the technical requirement as distinct from the formal document), or the selected fabric, continued to evolve throughout the delivery period.²⁵ the requirement still being in development in his e-mail to Mr Marshall on 20 December 2002²⁶.

67. Although the EAS required documentary evidence of conformance, the review team saw no evidence of test certificates having been submitted by tenderers. Such documentation may have mitigated the consequences of the failure of the evaluation process to look at the material itself²⁶.

²¹ WPK.10.1.2

²² WPK.1.1.4

²³ WPK.1.1.5

²⁴ Commercial Off-the-Shelf

²⁵ WPK.1.1.3

²⁶ WPK.1.1.4

68. The RFT required that the contractor submit test results for the fleece fabric prior to manufacture of the supplies. On 16 May 2003²⁷ ^{S43 (1) i} submitted test certificates to DMO in support of a pre-manufacture approval request. The test certificates appear to have been accepted by ^{S41 (1)} on 20 May 2003. The certificates appear to indicate that the fabric tested failed to meet the specification. Handwritten notations on the certificates varied the specified requirements. These 'unofficial amendments' appear to have been reflected in concessions granted by ^{S43 (1) i} & ^{S41 (1)} ²⁸ In any case, other concessions were granted.²⁹ ^{S43 (1) (e)}

Allegation 1

It was alleged that the tender process was engineered to favour a predetermined outcome with specifications and timings which could not be met and suggested that advanced warning was required.

The Request For Tender

69. The review team addressed the aspect of tender timing in the context of the chronology of the broader process.

- development guidance for the CSE prepared 8 December 2000³⁰
- the development guidance was tabled at the CSE IPT meeting in March 2001
- a version of the CSE was developed in 2001
- ACPEC endorsed the development guidance in April 2002
- S43 (1) (c) i
-
- 4 RAR trial end of May 2002
- as a consequence of the 31 July 2002 MINCAPP meeting it was confirmed that the budget year was under programmed by some \$23m.³¹ Consequently, Army and DMO SPO staff developed a series of fleet replacement and enhancement proposals that could be achieved in FY 02/03. These proposals included one for the 'Army Combat Sweater' as part of the Cold Weather Ensemble. The proposal was costed at \$3.310m for 33,100 combat jackets
- demonstration of the garment to ACPEC August 2002
- specification Army (Aust) 6767 Issue 1 dated 8 November 2002
- RFT issued 27 November 2002
- tender closing date 13 January 2003

²⁷ Test certificates on file 2003/11755/2

²⁸ S41 (1)

²⁹ S43 (1) (e)

³⁰ S41 (1)

certificates of nonformance.

³¹ W/P681 (1)

³² CAPO file was "Procurement of Block Scale Items Jacket for Land 132-Raising the Full Time Commande".

³³ CA minute 2005663, OCA/OUT/2002/1423 dated 11 September 02. W/P6.191.1

- S43 (1)(c) i
- 29 April 2003 COL Rex Rowe signed 'Approval for Introduction' for the combat fleeco jacket³³
- 2 May 2003 Minor Capital Equipment Proposal Approval raised to reduce funds from \$3.31m as per original project costing to \$2,884,839.30 which is approximately equal to the original contract price of \$2,884,682.42 exclusive of GST
- S43 (1)(c) i

70. The review team noted that the EAS for the Army Combat Sweater included a comment by Contracting Land Systems (CON(LS)) which was endorsed by (then) DGLCCS³⁴. The comment stated "... procurement time line is very optimistic, particularly falling over stand down period, however imposition of Ref A acknowledged." Ref A was the FEP dated 8 August 2002 which discussed, inter alia, lead times and delivery programming.

71. The RFT was issued on 27 November 2002 with a tender closing date of 13 January 2003³⁵. The review team asked COL David Creagh, Director of Logistics - Army, whether there were any operational factors which influenced the timing of the tender. In response he advised that there were not and that the primary driver was to expend allocated funds by 30 June of that FY (02/03). The intent was always to progressively introduce the combat jacket into service as stocks became available.

The issue of advance warning

72. The review team was concerned that, some months prior to release of the RFT, discussions with some companies had reached a point where the companies involved appeared to have an advantage over the rest of the market with regard to the RFT. For example, an e-mail dated 23 September 2002, with a subject header of "Windproof Jumper Fabric & Combat Skivvy Fabric" was sent by ^{343 (9)1} to MAJ Des Scheldl, ^{511 (1)}. The e-mail³⁶ sought a meeting to discuss 'technical and delivery issues' relating to the Khaki Windproof Jumper Fabric and Khaki Combat Skivvy fabric. The e-mail stated in part that:

- "From our meeting last week we have checked the raw material situation and production capacity lead times etc. We have also looked at some technical issues which need to be clarified and discussed with you. In summary, in order to 'make it happen' (for Dept of Defence to have garments by March 2003) we must get actions underway now."

73. S43 (1)(c) i

³³ Document on file number 2003/1755/LWP6.159.2

³⁴ WPG.1.4

³⁵ WP 6.54. The RFT was advertised in The Australian on that date.

³⁶ WPG.179

S43 (f) (4) 1

74. S43 (f) (4) 2

75. S43 (f) (4) 1

TABLE 1. S43 (f) (4) 1

2000 DGLD issues development guidance for the Combat Soldier Ensemble ³⁹ .	
2001 Combat Soldier Ensemble Integrated Project Team (CSE IPT), adopt the Development Guidance and develop the cold weather three layer ensemble. Combat Clothing Development Cell (CCDC) commence the development of the layers.	
S43 (f) (4) 1	
2001 - SASR required to deploy overseas on Operation Slipper – extreme cold climate. Rapid Acquisitions (RA) commence for cold weather clothing in support of this deployment.	
Fabric developed by CCDC S43 (f) (4) 1	
July 2001 - CCDC submit fabric to DSTO for testing. Only two samples of fabric produced by S43 (f) (4) 2 were submitted. DSTO tested these and determined a preferred choice (Sample A). DSTO of the belief that this testing was in response to a Rapid Acquisition (RA) for SASR, not for the development of the cold weather ensemble.	
Garments S43 (f) (4) 1	Feedback
from SASR indicated that the fabric was unsuitable for extreme climatic conditions. Gore "Windstopper" fabric used in subsequent SASR garments and was highly regarded.	
CCDC regarded the RA requirements as specific to extreme cold conditions. For Australian conditions, regarded the developed S43 (f) (4) 2 as suitable and continued pursuing this.	

³⁹ WP6.68

⁴⁰ Letter located on file 2003/11755/1. WP6.110

⁴¹ WP6.81.1-7

4 RAR required a fleece garment. ^{S43 (f) 1} used in the manufacture of these. Limited user trial conducted and considered successful. Commitment to fabric continued. Results of this trial are considered in the context of the development of a fleece jacket prototype for the cold weather ensemble. Prototype manufactured from the ^{S43 (f) 1}

August 2002 – Minors Funding becomes available.

August 2002 – Prototype combat jacket presented to ACPBC and endorsed. Direction given that Fleet Enhancement Proposal be prepared for procurement of combat jacket.

DMO commence procurement project supported by CCDC. CCDC tasked with the preparation of the specification.

8 August 2002 Fleet Enhancement Proposal released⁴⁰. In a paragraph on risks the Fleet Enhancement Proposal states:

- "The specification for raw material and the Skivvy including formal 'user sign off' has not been completed. Risk exists with sourcing the required raw material using an approved specification as some specific specification demands have yet to be met⁴¹. Lead time for this work to be completed is unconfirmed. However, DMO (LSD SPO Tech Spt) advice is that these problems are easily resolved and should not impact on delivery of the garment."

23 September 2002 - E-mail from ^{S43 (f) 1} to MAJ Scheidl and others requesting meeting to discuss their fabric, with particular reference to production lead times⁴².

25 S43 (f) (c) 1
& S41 (f)

31 October 2002 - ^{S43 (f) 1} faxed to ^{S43 (f) 1}. Notations on these identify one certificate as relating to Sample A which was tested by DSTO. This fabric possesses an air permeability rating of 3.0 and Water Vapour Resistance of 19.84⁴⁴.

S43 (f) (c) 1

8 November 2002 - Specification 6767 completed.

9 January 2003 (four days prior to tender closure). ^{S43 (f) 1}

⁴⁰ WP 6.10.1-2

⁴¹ The emphasis was placed by the review team. WP6.10.2

⁴² WP6.179

⁴³ WP6.68

⁴⁴ WP6.186.1

⁴⁵ WP6.189

⁴⁶ Fax located on file 2003/1755/7 file 15. WP6.69

S43 (1) (c) i & s41 (1)

Conclusion regarding allegation 1

The review team concluded that timing and the quantity were driven by the availability of funds S43 (1) (c) i

the part of S43 (1) (c) i This does not suggest any wrongdoing on

Recommendation

76. It is recommended that, prior to release of an RFT, Director Soldier Support System Program Office be required to certify that:

- Specifications are complete, appropriate and approved
- Unless otherwise stated in the RFT no part of the requirement subject to the RFT has already been decided
- The RFT clauses do not create an unnecessary barrier to competition nor cause unnecessary cost to potential tenderers
- The tender period is appropriate in terms of duration and timing, and
- Tender sample and test requirements are appropriate.

Management response to the recommendation

77. Agreed. Soldier Support SPO will develop a detailed checklist to validate that all aspects of the procurement process have been followed. This checklist will include technical, contractual, financial and management aspects. This checklist will be prepared in conjunction with MAB to ensure that all aspects are appropriately addressed.

The Tender Evaluation Plan

78. According to section 5.6 paragraph 438 of the current DPPM, a typical Tender Evaluation Plan will have the following structure:

- **aim.** Details the objectives of the tender evaluation
 - **requirement description and deliverables.** Contains a brief description of the requirement and any unique features of the proposed contract that need to be considered in the evaluation process
 - **how ethics and fair dealing are to be maintained.** Administrative arrangements for handling of tender documentation to ensure the propriety and integrity of the tender process and communication with tenderers during the evaluation process
 - **Evaluation criteria.** Lists the evaluation criteria which must be consistent with the evaluation criteria identified in the request documentation. Guidance on particular interpretations applicable to evaluation of specific criteria should also be provided
 - **Tender evaluation organisation.** The tender evaluation organisation should be detailed. Members of the Tender Evaluation Board, Tender Evaluation Working Groups etc. should be identified by appointment and their major responsibilities. Where consultants are used, arrangements for preserving the integrity of the process are to be provided eg execution of a Deed of Confidentiality
 - **Approvals.** Appointments concurring/approving the Tender Evaluation Plan, shortlisting if appropriate and source selection recommendation are to be identified
 - **Schedule.** Key evaluation activities and responsibilities for their achievement against milestone dates are to be listed
 - **Evaluation methodology.** The evaluation methodology to be used in screening, shortlisting and evaluating viable tenderers is to be identified. Criteria for visits to tenderers' premises and the procedures for tender clarification should also be stated
 - **Reporting requirements.** If progress reports are required the means should be detailed
 - **Consultation.** Requirements for consultation with functional and advisory areas should be detailed
-
- **Industry debriefing.** Arrangements for debriefing industry after source selection and contract signature should be detailed, and
 - **Site visits.** If visits to tenderers' premises are anticipated, the justification and code of behaviour for such visits should be addressed.

79. The review team acknowledges that there may be minor variations between the 2002 and 2005 versions of the DPPM. However, the headings of the TEP indicate at least similar intent between the TEP and the current DPPM. Accordingly, the TEP has been compared to the requirements of the current DPPM.

80. The TEP met the above requirements in terms of aim, requirement description, deliverables, ethics and fair dealing. However, the TEP was confusing in respect of evaluation criteria. At paragraph 26 the TEP stated that the evaluation criteria are listed at Annex A. At paragraph 27 the TEP lists evaluation categories, which are included in the table below:

TABLE 2. Evaluation categories and criteria

Evaluation Categories (TEP paragraph 26)	Evaluation categories (TEP Annex A)	Evaluation Criteria (Clause 5.1.2 of the RFT)
Price	Price	Price
All (maximising local content)	All	level of All
Risk	Risk	Risk
Terms and Conditions	Terms and Conditions	Compliance with Commonwealth terms and conditions
Quality Assurance	Quality Assurance	quality assurance standard
Performance and Capacity	Technical Performance	Technical performance evaluation of this criterion may include assessment of previous supply of such items
Delivery.		Delivery time

81. Contrary to the indication in paragraph 26 of the TEP, Annex A to the TEP does not list the evaluation criteria. It does state however, that the "TEB shall consider the guidelines with respect to each of the relevant criteria and report the degree of compliance, risk, significant issues and also ranking of the tenders in relation to the primary evaluation criteria to ensure best value for money for the Commonwealth."

82. The review team was unable to discern what the guidelines were nor what the difference was between 'evaluation criteria' and 'primary evaluation criteria'.

Tender Evaluation Organization

83. The TEP (original version of October 2002 and revised version¹⁷ of February 2003) stated, at paragraph 28, that "the evaluation of the tenders will be undertaken by a Tender Evaluation Board (TEB) supported by working groups on specific issues such as finance if required. The board will consist of the following members:

- | | |
|--------------------------------------|---------------------------|
| a. Chairman: | SO2 Minor Projects, |
| b. Secretary: | LSD Representative, |
| c. Contracting/Finance Member: | CON (LS) Representatives, |
| d. Technical Representative: | LSD Representatives, |
| e. Replenishment Representative: | JMA Combat Clothing |
| f. Quality Assurance Representative: | QAR CON (LS)." |

¹⁷ WPS.1-15

84. The current DPPM states that members of the Tender Evaluation Board should be identified by appointment and their major responsibilities. The review team found that identification of membership by section rather than appointment was unsatisfactory and precluded meaningful consideration, by the officer expected to endorse the TEP, of the ability of the TEB to conduct the task.

85. The review team sought details of actual TEB membership. In response, Mr Roberts advised⁴⁸ that the members of the TEB were as follows:

Chairman:	SO1 LTCOL Stuart Dodds (Now COL Dodds)
Secretary:	SO2 Paul Roberts
Contracting/Finance member:	Ms Julie Walliker / Ms Lisa Pugsley
Technical Rep:	MAJ Christopher Harrison/ Mr Stuart Lawrie/ Ms Mary Gaucci
Replenishment Rep:	Mr Steve Patten
Quality Assurance Rep:	Ms Tracy Davis

Also present was Ms Mari-Anne Molenda Finance Manager, representing the SCS SPO.

86. Noting that the TEP had identified SO2 Minor Projects (Mr Roberts) as the Chair of the TEB and that this was odds with the list above, the review team questioned Mr Roberts regarding the discrepancy. Mr Roberts advised⁴⁹ that the decision to change the Chair was made just prior to the TEB meeting and announced on the day. He stated that LTCOL Dodds decided in consultation with Robin Beeton and Mr Roberts that he would Chair the TEB as he was now into the position.

TEP approval

87. The file copy of the TEP⁵⁰ was signed by SO2 Minor Projects. The LSD Procurement Package⁵¹ for the combat jacket states that the TEP has been 'signed and endorsed'. Although signed by SO2 Minor Projects, the file copy of the TEP bears no separate endorsement nor unsigned signature block for such endorsement. The review team considered that approval by SO2 Minor Projects alone may have been adequate as he was the nominated Chair of the TEB. However, as indicated above, he has subsequently advised the review team that he did not perform the duty of Chair of the TEB.

⁴⁸ WP43.76.2

⁴⁹ WP43.76.1

⁵⁰ WP5.9

⁵¹ WP 6.143.1

TEP schedule

88. The signed version of the TEP provided the following schedule³² for the evaluation from close of tenders to source selection:

RFT Issue	11 November 2002
Receipt of Tenders	11 December 2002
TEB Initial Meeting	16 December 2002
TEB	18 December 2002
Comparative Evaluation Complete	18 December 2002
Complete SER	18 December 2002
SER Approval	18 December 2002

89. The review team found that the schedule in the signed version of the TEP was not followed.

TEP Evaluation methodology

90. The table overleaf compares the evaluation methodologies as described in:

- Version 1 of the TEP dated 1 November 2002³³. This TEP predates the actual evaluation
- the Source Evaluation Report of 5 March 2003³⁴, and
- Version 2 of the TEP³⁵ dated November 2002 but actually prepared in February 2003³⁵. This TEP, which was signed, post dates the evaluation.

91. MAB then located another unsigned draft TEP on file 2003/11755/2. This draft has a footer stating 'Revised Document Version 1 13 January 2003'. The review team notes that this unsigned document, which shares the date with that of tender closure and predates the evaluation, appears identical to the February 2003 TEP in respect of the tender evaluation methodology. However, the review team was unable to be determine which TEP, if any, was rolled on.

³² WPS.8

³³ WPS.164.1

³⁴ WPS.3

³⁵ WPS.1-15

³⁶ Mr Roberts confirmed by e-mail on 20 August 03 that Version 1 of the TEP was prepared on 14 February 03. WPS176.2

TABLE 3. Comparison of Evaluation Methodologies as described in TEP Version 1; the Source Evaluation Report; and TEP V2

Tender Evaluation Methodology as stated in TEP Version 1 dated 1 November 2002 ⁵⁷	Tender Evaluation Methodology as stated in SER dated 5 March 2003	Tender Evaluation Methodology as stated in TEP Version 1 dated 14 February 2003
The tenders will be subjected to three stages of evaluation to identify the tender that represents the best value for money for the Commonwealth.	Reference B (the TEB) identified a three stage evaluation process to identify the tender that offers the Commonwealth best value for money.	The tenders will be subjected to three stages of evaluation to identify the tender that represents the best value for money for the Commonwealth. Stage 1 requires tenders to submit samples in accordance with Army (Avast) 6769. The TEB acknowledges that tenders will not be in a position to submit samples in the correct material, a similar material construction is considered acceptable for this evaluation
Stage 1. Stage 1 is documentation compliance screening (terms and conditions) of Tenders to eliminate those that are incomplete or non-compliant with the mandatory requirements. This is to be completed by CON (LS) in the form of a comparative statement prior to the initial meeting of the TEB. The Quality Assurance report from CON (LS) is required at this stage to complete the initial assessment. Upon receiving this report from CON (LS) the TEB shall perform a detailed assessment of the tenders and will short-list the tenders in accordance with the set criteria.	Stage 1. A technical evaluation of submitted samples was undertaken in accordance with Army (Avast) 6769 to short-list tenders for the stage 2 requirements.	Stage 2. is a technical evaluation in accordance with Army (Avast) 6769 to short-list tenders for stage 2 requirements. This stage requirement allows the TEB flexibility to limit the amount of paperwork required in stage 2. Upon receiving this evaluation report from CCLJ LSD the TEB shall perform a detailed assessment of the samples and will short-list the tenders based on this evaluation. This will form the basis of the initial TEB meeting.
Stage 2. The short-listed tenders will be required to submit a sample of the Control factor in accordance with the specified requirements for critical evaluation by the technical representatives. The sample must be not required to be manufactured in the correct material. A material similar is considered acceptable for this requirement.	Stage 2. Documentation compliance screening of Tenders was conducted to eliminate those that are incomplete or non-compliant with the mandatory requirements for the stage 3 requirements.	Stage 2. is a documentation compliance screening (terms and conditions) of short-listed tenders to eliminate those that are incomplete or non-compliant with the mandatory requirements. This is to be completed by CON (LS) in the form of a comparative statement. The Quality Assurance report from CON (LS) is required at this stage to complete the assessment.

⁵⁷ The date of the first version of the TEP was given as 10 October 02 in the reference on the SER. However, the TEP on the procurement file is dated 1 November 02. (WP 5.1/15)

<p>Stage 3. The preferred tender will be selected from the process in stage 1 & 2 and the TEB will provide the recommendation for source selection.</p>	<p>Screening</p> <p>The objective of screening will be to remove any obvious non-compliance from further evaluation where non-compliances are against an essential requirement. Price is not normally a valid reason for excluding a tender during screening. The determination of eligibility for further evaluation will be based solely on the context of the tendered proposal.</p>
<p>Stage 3. Evaluation of compliant tenders and preferred supplier nomination.</p>	
<p>Stage 3. The preferred tender will be selected from the process in stage 1 and 2 and the TEB will provide the recommendation for source selection.</p>	<p>Screening</p> <p>The objective of screening will be to remove any obvious non-compliance from further evaluation where non-compliances are against an essential requirement. Price is not normally a valid reason for excluding a tender during screening. The determination of eligibility for further evaluation will be based solely on the context of the tendered sample.</p>

The evaluation

92. Ms Gauci and Mr Lawrie confirmed that they undertook the technical evaluation. The technical evaluation sheets are not signed or dated. However, based on computer records, the review team considers it probable that they were created in early February 2003.

93. The RFT requirement was for the 33,100 combat jackets to be manufactured in accordance with Army (Aust) 6767 and 6769. Without doubt the critical aspect of the technical evaluation was that the fabric was not subject to evaluation. The technical evaluation was essentially limited to cut, make and trim. S-4 (1)(c)

94. Mr Roberts signed the Source Evaluation Report, SER⁵⁸, on 5 March 2003 and it was approved by LTCOL Dodds on 6 March 2003 and the CAPO signed the following day.

95. The following seven evaluation criteria are listed on both the SER and the TEP⁵⁹:

- Technical
- Quality Assurance
- AII (maximising local content)
- Contract terms and conditions
- Delivery
- Risk, and
- Price

96. The SER includes an assessment of each tenderer against each of these criteria. Annex A⁶⁰ to the TEP details the evaluation assessment process as follows:

- "Clauses that have been identified for scoring are to be added by category and entered into the Scoring Matrix Every category is then Weighted, (eg the sum of the scores in a particular category is to be multiplied to the weight of that category). The weighted Category Scores are then added and further multiplied by the Risk Factor thus producing a corrected score for individual tenders."
- "the risk assessment will be based on general and technical project risks identified as part of the PRINCE 2 process."
- "The scoring matrix for suitability and risk will then be compared against price considerations."

97. Based on the review of the tender evaluation worksheets MAB believes that the points derived were factored in the evaluation of the tender submissions. However, there were transcription errors between tables and the scoring matrix for 'Suitability and Risk' was not used to determine rankings.

⁵⁸ Work paper ref 4.1/21

⁵⁹ Work Paper Ref 5.1/15

⁶⁰ Work Paper Ref 5.10

Technical

98. The Tender Specification 6769⁶¹ details the requirements to be met under three categories material, manufacture and finish. The Specification also lists numerous consider points for each of the three categories.

99. The technical evaluation worksheets⁶² detail the consider points for each of the three categories (material, manufacture and finish). Appropriate comments from the tender submissions in relation to each of those consider points have been documented within the comments section of the worksheets.

100. Each of the categories was broken down into sections, with the awarded points added to arrive at section totals. Each section had a weighting factor which was applied to the section totals to arrive at section weighted scores. These section-weighted scores were added to arrive at a total weighted score for the technical component. The detail weighted scores by each consider point related to manufacture and finish⁶³ were agreed to the details on the "Summary of Tailoring Assessments" (STA)⁶⁴. The STA provides a total by each tenderer (the sum of the weighted scores for consider points related to manufacture and finish).

101. The following consider points under "material" feature on the technical evaluation worksheets and include a narrative comment but have not been factored into the result of the technical evaluation:

- Base cloth
- Elbow reinforcing patches
- Epaulette
- Pocket Liners/Map Pockets
- Cuff
- Waist Draw cord Toggles
- Binding
- Slide Fasteners
- Sliders
- Pull Tabs
- Thread.

102. Table 1 Technical Evaluation Rating Summary⁶⁵ of the SER has rated each tenderer from 1 to 5. The review team did not confirm the methodology used to develop the scores in this table but considers it could be related to the total weighted scores on the STA; as follows:

Total Weighed Score	Rating ⁶⁶
118.2 to 119.2	4
111.2 to 117.2	3

⁶¹ Work Paper Ref 6.32.1

⁶² Work Paper Ref 6.148.1463

⁶³ Work Paper Ref 6.148.1463

⁶⁴ Work Paper Ref 6.33

⁶⁵ Work Paper Ref 4.7

⁶⁶ The only ratings given in the SER table 1 - Technical Evaluation Rating Summary were three and four.

103. The following is a table of weighted scores and ratings awarded, developed to establish a link between them and thereby attempt to arrive at the basis on which the final ratings were awarded.

TABLE 4. Comparison of SER Technical Ratings

Comparison of SER Technical Ratings			
Tenderer	STA score	Rating from SER Table 1 (Technical Evaluation Rating Summary)	Rating from SER Table 11 (Technical Compliance)
S43 (1)(c)	119.2	4	1
	119.2	4	1
	119.2	4	1
	119.2	4	5
	118.2	4	5
	118.2	4	1
	117.2	3	5
	117.2	3	4
	116.2	3	2
	116.2	3	2
	115.2	3	5
	115.2	3	5
	113.2	3	3
	113.2	3	3
	112.2	3	4
	112.2	3	4

104. The rating score in SER Table 1 (Technical Evaluation Rating Summary) already factored in the risk and a compliance rating in relation to the technical aspects. The review team did not understand the inconsistency in ratings between Table 1 and Table 11. For example, at SER Table 1 (Technical Evaluation Rating Summary)⁶⁶ (1)(c) and ^{S43 (1)(c)} " However, at SER table 11, (Overall Tender Rating) for technical compliance ^{S43 (1)(c)} were shown with a score of 1 (the best possible score), ^{S43 (1)(c)} score of 5 (the worst possible score). Mr Roberts has since advised that five of the 'Overall Tender Ratings', including the ratings for Crossfire, are incorrect.

105. Tender Specification 6769 details the requirements to be met under three categories - material, manufacture and finish. Material has been effectively ignored from the evaluation as no test certificates were required or submitted, no testing of tender samples was undertaken by Defence and the technical evaluation process did not involve scoring material, with the relevant section of the worksheet left blank in each case.

106. The review team confirmed with the officers⁶⁷ who conducted the technical assessment that there was effectively no evaluation of the fabric. In a sense it is self evident that

⁶⁶ Stuart Lewis interview questions 172 to 190, M Gaucci interview question 50 to 53.

evaluation of the fabric was precluded as tenderers were invited to submit samples in a material 'similar to the specified material.'

Australian Industry Involvement(AII)

107. SER Table 3⁶⁴ lists the AII percentages as supplied by the tenderers in the Tender Submissions. The review team sighted the Tender Submissions to confirm the data on Table 3 and no discrepancies were noted.

108. SER Table 11⁶⁵, Overall Tender Ranking, includes the scoring for the AII. The review team could not sight any workpaper for the conversion of the percentages from the tender submissions to Table 11. Based on data on both these tables the review team developed the following conversion table:

TABLE 5: Conversions of AII percentages

Conversions of AII percentages from figures claimed in RFT to 'score out five' as used in the SER	
Percentage range as per SER Table 3	Score as per SER Table 11
89 to 100	1
69.60 to 88	2
63 to 69.5	3
58 to 62	4

109. The review team considers that the above scoring has been determined by a logical analysis and thus accepts the appropriateness of the above scoring. The review team's examination of the two tables did not disclose any apparent illogical scoring in respect of AII. It should be noted that the tenderer^{64 (i)} had submitted an AII percentage of 58% in the tender submission, which was the lowest submitted by any of the tenderers. Most of the tenderers had a rating of one for this category^{64 (i)} had a rating of four, thereby losing ground in the overall ranking.

Contract Terms and Conditions

110. Appendix 2 to Annex C to the RFT is the Statement of Compliance. It details by clause number and description the contract terms and conditions. The tenderer completes against each of these clauses as to whether he complies or otherwise and points were awarded on that basis. SER Table 4⁷⁰ is the Contract Terms and Conditions Evaluation Rating Summary. The review team checked the tender submissions in relation to ratings and no discrepancies were noted. All the tenderers were awarded a rating of 4.

⁶⁴ Work Paper Ref 4.11

⁶⁵ Work Paper Ref 4.20

⁷⁰ Work Paper Ref 4.13

i

ii

iii

iv

v

vi

Quality Assurance

111. The CON(LS) Quality Assurance (QA) Adviser had generated a QA Assessment Form⁷¹ for each of the tender submissions. The review team checked the data on these forms to the tender submissions. The results from this form were summarised on the "Summary of Quality Assurance Assessments of Suppliers' Quality Management Capability to supply"⁷². SER⁷³ Table 2 linked the Compliance Rating, Risk Assessment and Rating Score. The ratings derived were then converted to scores for the QA element of the Overall Tender Ranking in SER Table 11⁷⁴. The logic applied was that the best QA rating was awarded the lowest score. The conversion is shown in the following table:

TABLE 6: QA ratings

Quality Assurance				
Tenderer	Compliance Rating	Risk Assessment	Rating as per SER table 2	Rating as per SER Table 11
643 (1)(a)	Compliant	Low	4	1
	Compliant	Low	4	1
	Partially compliant	Low to medium	3	2
	Non compliant	High	0	4
	Compliant	Low to medium	4	1
	Compliant	Low	4	1
	Partially compliant	Low to medium	2	3
	Partially compliant	Low to medium	2	2
	Partially compliant	Low to medium	2	3
	Non compliant	Medium to high	0	4
	Partially compliant	Medium to High	3	2
	Non compliant	High	0	4
	Non-compliant	medium	0	4

112. The review team considers that the rating of 3 given to 643 (1)(a) in SER Table 2 was incorrect and that the score should have been 2 or less for consistency with the other ratings. However, this apparent error had no impact on the result.

Introduction of 'Price' into the value for money calculation

113. Whereas technical compliance, quality assurance, All, risk, and delivery had been scored on a scale of one to five, price was introduced as a simple ranking of one (the lowest

⁷¹ Work Paper Ref 6.2.3/15

⁷² Work Paper Ref 6.2.1/2

⁷³ Work Paper Ref 4.10

⁷⁴ Work Paper Ref 4.20

price) to 20 (the highest price). These price ratings were then added to the aforementioned ratings to develop the 'Overall Tender Ranking' at SER table 11. The effect of this was to give a far greater weight to price than the other aspects. Had price been reduced to the same 'score out of five' standard as the other components of the value for money assessment S43 (1)(c) would have achieved the highest overall ranking.

Remaining TEP requirements

114. Reporting requirements and industry debriefing are covered adequately by the TEP. The issues of consultation with functional areas and site visits were not covered but do not appear to have been relevant to this task.

115. The review team concluded that although the actual evaluation was conducted prior to the issue of the (signed) revised TEP other unsigned versions of the TEP, containing the same information as the signed version, may predate the evaluation. In any case, the evaluation did not appear to follow the TEP. Annex D⁷⁵ to the TEP provided a scoring matrix which required consideration of weightings in accordance with paragraph 6 of TEP Annex A⁷⁶. The review team located a completed version of the scoring matrix but the results thereon did not appear to have been used to complete the SER. Mr Roberts has since confirmed that the scoring matrix was used to confirm the rankings rather than to establish them.

The Source Evaluation Report

116. ⁷⁷ made the preferred tenderer recommendation on the SER⁷⁷ on 5 March 2003 and the SER was approved by A/DSCS, LTCOL Dodds on 6 March 2003. This was S43 (1) (c)

The SER does not identify whether LTCOL Dodds approved the SER in his capacity as Chair of the TEB. Both the original and revised versions of the TEP describe SO2 Clothing (Paul Roberts) as the TEB Chair. As stated earlier, Mr Roberts advised the review team by e-mail on 10 August 2005 that LTCOL Dodds had replaced him as Chair⁷⁹.

117. S43 (1) (c) (f)

118. Mr Roberts and LTCOL Dodds were the only TEB members to sign the SER. Better practice is for all members to sign the SER as this provides opportunity for dissenting comments to be added, where applicable, or confirms that the recommendation and supporting comments reflect the views of all members. In this particular case, none of the supporting evaluation material is signed and in some cases does not bear a signature block to invite signature.

⁷⁴ WP5.15
⁷⁵ WP5.11
⁷⁶ WP4.21
⁷⁷ WP4.152
⁷⁸ WP1.76.1
⁷⁹ WP6.82

119. In the case of the QA assessments a signature block was provided but was not used. Each of the QA assessments are dated but the dates are of dubious value as the QA assessment for S43 1(C) is dated 6 February 2003 but refers to information received on 7 February 2003⁸¹.

Allegation 2

It was alleged that Crossfire P/L was not provided with adequate information during and after the tender process with inquiries either being avoided or receiving insufficient responses and misinformation

120. Mr Marshall provided copies of correspondence between DMO staff and himself. The correspondence of greatest significance was dated 18 December 2002⁸², in which he requested clarification of the requirement and received replies that he considered less than satisfactory. 541 (1)

121. The date of some of the above correspondence coincides with the tender period, noting that the RFT was advertised on 27 November 2002 and closed on 13 January 2003.

122. In responding to allegation two, the review team has endeavoured to separate Mr Marshall's requests for information from his claims about alleged deficiencies with the garments. Mr Marshall sought information in several pieces of correspondence, including:

- his letter of 18 December 2002. In this letter he explained the background to each of his requests. He sought:
 - clarification regarding the fabric type really required
 - clarification regarding the true purpose of adhesive use being permitted as he considered that use of adhesive implied that 'felt' rather than 'fleece' was being specified
 - advice as to whether a wool content of 70% or so was acceptable
 - advice as to the intent of the requirement that the face pile be 100% wool
 - advice as to whether Crossfire would be permitted to offer an alternate cut and fit to allow better freedom of movement
 - advice as to whether Crossfire would be permitted to offer a patch which runs all the way to the cuff
 - advice as to whether Crossfire would be permitted to offer shoulder patches
 - advice as to whether Crossfire would be permitted to offer a position closer to the zipper for the rank slide
 - ~~advice as to whether Crossfire would be permitted to place the toggle in a safer position~~
 - an extension to the closing date, to allow tenderers to give thoroughly informed responses⁸⁴.

⁸¹ WP6.159
⁸² WP3.74-76
⁸³ WP3.3
⁸⁴ WP3.76

123. The review assessed this letter as polite and constructive. In response to the letter of 18 December 2002, he received two e-mails dated 20 December 2002 from Mr Roberts. The first⁶⁵ of these advised, inter alia, that:

- s41 (f) of the technical development section would provide the technical responses to his questions
- Mr Marshall's request for an extension was denied, noting that the 'timing of the tender is over a difficult time of the year'
- 'the sample of the combat jacket required as part of the RFT DOES NOT have to be produced out of the specified material'
- 'the sample will be technical evaluated for construction and manufacturing methods in accordance with the garment specification', thanked Mr Marshall for his input and noted that
- s41 (f) should be contacted if more information was required.

124. The second e-mail⁶⁶ s41 (f) advised Mr Marshall that an alternative offer may be submitted provided that the tenderer also submitted an offer which meets the SOW. The response quoted the relevant RFT clause.

125. s41 (f) also provided an e-mail response on 20 December 2002⁶⁷. He advised Mr Marshall, inter alia, that:

- there are developments in non-wovens which produce a material with a fleece surface. The intent is not to exclude the opportunity to take advantage of this emerging technology
- again by using an adhesive we can control air permeability and not restrict the way the fabric type is constructed to achieve our aim
- wool % is there to reduce the amount of synthetic material which is a flame hazard as we all know. If you have a product that doesn't exactly meet specification feel free to offer it up with supporting documentation (ie test results) as an alternative,
- garment cut has been trialed and has gained user acceptance, and
- s41 (f) would respond on the issue of an extension of time.

126. On receipt of the e-mail from s41 (f) Mr Marshall sought further clarification⁶⁸. In particular, he asked:

- If Defence required the performance to be high permeability for user comfort or low permeability for wind resistance and what range either side of the defined level is acceptable
- for definition of the level of flame resistance, noting that:
 - 'Your reply is the first reference to flame resistance I've seen. It is not mentioned in the spec. Of course we are more than happy to offer flame resistance, but would prefer to provide it to a proper requirement rather than to an inference.'
 - You also comment that synthetic material "is a flame hazard as we all know". This is a sweeping and incorrect statement. Meta aramid for instance is an extremely FR synthetic and is actually specified for the cuffs.....
 - Your acceptance of an adhesive content is also very confusing as there is no reference to FR qualities of this adhesive. Most adhesives greatly degrade the FR performance of textiles.'

65 WP3.77
 66 WP3.78
 67 WP3.79
 68 WP3.80

127. s41 (1)

to the above e-mail stated:

- 'My apologies for the 'sweeping and incorrect statement' on synthetics
- I do have some knowledge of textile fibres in case you're wondering
- You have the Specification as to what performance we require from the jacket. Offer what can (sic) as close as possible to the Specification and it will be considered as I pointed out previously
- Yes no FR performance is stated as we expect the inherent properties of the wool to achieve our aim. We have at this point no defined FR capability. If we did it would be in the specification, and
- This is not the end of the development of these items it is a starting point.'

128. Mr Marshall claimed⁹⁰ that following the e-mail exchange, s41 (1) went on holidays. PMKeys records indicate that s41 (1) was on annual leave from 23 December 2002 and returned to duty on 6 January 2003. Although the impact that his absence had on prospective and actual tenderers can never be known, the review team considers that either approval of his leave or insistence upon the tender period was inappropriate.

129. The review team considered that the responses provided were inadequate in content and tone.

130. In respect of correspondence dated after the tender process, the review team noted that Mr Marshall⁹¹ s41 (1) on 24 June 2003. Mr Marshall has stated that he did not receive a response to that letter. However, the review team located a copy of a signed response, dated 4 July 2003, on file 2003/11753/2. Although the letter is signed, this does not constitute evidence that it was despatched, much less received. Mr Marshall's letter was in regard to his concerns over the fleece jacket tender process and, inter alia, asked "did any pre-existing or planned connection between DMO staff and s43 (1) affect decision making?" In his response, s41 (1) describes himself as the Chairman⁹² of the Tender Board and states:

- "I can assure you that there was no such relationship or planned connection and that your offer was given full and fair consideration during the tender evaluation process."

131. The review team note that on 4 July 2003, when the letter was signed, s41 (1) aware that s41 (1) s43 (1) WAA

132. The review team notes s41 (1)

⁹⁰ WPS.83. Original located on file 2003/11753/1.WP6.175.1

⁹¹ WP9.7

⁹² WP 3.91

⁹³ This is at odds with separate advice that LTCol Decker was Chair of the TGB. (WP6.82)

133. The response⁹³ of 4 July 2003 also addresses Crossfire's concerns over whether it was appropriate to open the tender over the Christmas period:

- "This office considers it to be business as usual during the Christmas period and a requirement existed during this time the tender was released. Having the tender open during this period did not have any impact on any other tenders."

134. While the situation was clearly sensitive, the response was at best unhelpful. Mr Marshall's complaint about the tender period related to the fact that Christmas holidays made it impossible for him to obtain laboratory tests. In this respect his letter of complaint of June 2003 restated the concern about laboratory testing expressed in his letter of 18 December 2002 and responded⁹⁴ to F¹¹¹⁹ on 20 December 2002.

135. The RFT itself may have lead Mr Marshall to understand that test certificates were required as part of the tender process:

- RFT 5.1.3 "Tenderers are required to submit a sample of the combat jacket (medium size) in accordance with the specified requirements in the statement of work....A material similar to the specified materials is considered acceptable for the sample combat jacket."⁹⁵

136. The Statement of Work (SOW) at clause 1.1.1 stated that *the supplier are to be manufactured in accordance with specification (sic) Army (Aust) 6767 and 6769 and sealed sample number 8465-207. The following note follows clause 1.1.1:*

- "Sealed samples are furnished to define the colours required and as a guide only for style, general appearance, handle, finish, workmanship and any other properties not defined in the Specification. The Specification must be strictly adhered to in all respects for design characteristics, dimensions and related detail. Should the Specification and sealed sample be at variance, the Specification shall prevail."⁹⁶

137. The specification for the jacket (6769), at clause 2.3.1⁹⁷, identifies as essential the requirement for the base cloth to be *made in accordance with Army (Aust) 6767* which is the specification for the fleece. The specification for the fabric (6767) includes clause 2.2 'Test Results' which states *all test result results provided by the tenderer for the requirements of the cloth stated in this specification shall be supplied by an independent NATA accredited testing laboratory (ESSENTIAL).*⁹⁸

138. Irrespective of whether Mr Marshall was entitled to be confused it is clear that he presumed he needed test certificates. He could have been informed politely that test certificates would not be required until later ("prior to manufacture", as stated in SOW clause 1.5.1)⁹⁹. The review team saw no evidence of test certificates being submitted by other tenderers as part of the tender process. Mr Marshall should have been informed, clearly, that the fabric wasn't being assessed at all.

⁹³ WP6.82
⁹⁴ WP3.77
⁹⁵ WP3.15
⁹⁶ WP3.38
⁹⁷ WP3.46
⁹⁸ WP3.68
⁹⁹ WP3.39

139. Instead, by virtue ^{s41 (1)} advising Mr Marshall that a product which doesn't exactly meet specification may be offered "with supporting documentation (ie test results)", Mr Marshall's belief that testing was required would have been reinforced.

Conclusion regarding allegation 2

The review team concluded that the allegation was correct. A key factor in forming this view was that Mr Marshall was not told that the decision had already been made as to the fabric. He was also provided with an insufficient and misleading response regarding the need for testing. Despite what Mr Marshall was told, no test certificates were required to be submitted as part of the tender process. The tender evaluation process did not involve any evaluation of the fabric.

Uncertainty regarding the size roll

140. The review team considers that during the whole acquisition time frame, from the start of the tender process in 2002 s43 (1)(c) |

Pricing

141. The review team observed that, in mid 2002, Defence s43 (1)(c) |

^{s43 (1)} There is no suggestion of any wrongdoing on the part ^{s43 (1)}

142. Following release of the draft report the review team received material claiming that ^{s43 (1)} This claim is not assessed as significant by the review team. There has never been any suggestion by the review team of a conspiracy between Defence staff ^{s43 (1)} or indeed with any supplier. s43 (1)(c) | & s41 (1)

143. s43 (1) (c) | s41 (1)

^{s43 (1)} WP3.79
^{s43 (1)} WP6.97
^{s43 (1)} WP6.102
^{s43 (1)} WP6.62

144. S43 (1) (c) 1

Allegation 3

That substandard jackets comprising of materials which do not meet the tender specifications were supplied by the successful tenderer in breach of the contract however this has been overlooked by DMOCC staff.

145. The review team sought to establish the status of variations between the specifications nominated in the RFT and the contract and the actual garments supplied to Defence. MAJ M Beavan, OC Combat Clothing and Equipment Development Unit, advised¹⁴⁴ that:

- issue number one of both specifications remains extant
- contract amendments were made in regard to the jacket by the Project but the specification was never amended, and
- It appears that at the time the specifications were never forwarded to Equipment Information Office (EIO).

146. The review team examined the requirements of Specification Army (Aust) 6767 and sought to locate results of testing undertaken against the specification.

147. Specifications and test results were located in respect of:

- pilling resistance
- moisture and air permeability
- dimensional change

Pilling resistance

148. The required level of resistance to pilling was described at clause 2.12¹⁴⁵ of Specification 6767 in the following terms:

- The pilling resistance of both the face and the back of the cloth when tested in accordance with BS EN ISO 12945-1 shall achieve:
 - a rating of 2-3 (minimum) [Essential], (2 is severe pilling, 3 is moderate pilling) and
 - a rating of 3 (minimum) [Important].

149. S43 (1) (c) 1

¹⁴⁴ WP3.57.1

¹⁴⁵ WP3.70

¹⁴⁶ The CSIRO laboratory is NATA accredited.

S43 (1)(c)

Air and Moisture (Water) Vapour Permeability

150. The required level of performance in respect of air and moisture permeability is described at clause 2.13 of Specification 6767 in the following terms:

- The air and moisture permeability of the cloth shall conform to the requirements outlined in Table 2. [Important]¹⁰⁸

(a)	(b)	(c)	(d)
Test Description	Test Method	Unit of Measure	Permeability
Air permeability	AS 2001.2.34 Pressure Differential	cm ³ /cm ² /sec Pa	2.8 to 3.4 196
Thermal and water vapour resistance	ISO 11092 (sweating guarded - hot plate test)	M ² Pa/W	18-20
	Ambient Temperature	°C	35
	Ambient Relative Humidity	%	40
	Head Temperature	°C	35
	Guard Temperature	°C	35

Air permeability

151. The review team's references to 'required' in the following section on test results means 'required by the specification'. This clarification is necessary because the suppliers were working to informal guidance provided to them by Defence staff but the specification was not amended.

152. S46 (f)

153.

¹⁰⁷ Reference WP 6.107.3¹⁰⁸ WP 3.70¹⁰⁹ Located on file 2003/11755/2 WP 6.171¹¹⁰ Located on file 2003/11755/2 WP 6.42.2

- Handle and low rustle are very important factor features that will be taken into consideration when assessing fabrics
- The samples submitted are required to be accompanied with independent NATA test results and all samples/test results are considered commercial-in-confidence.

160. Mr Roberts' e-mail of 23 June 2003 provides a critical insight into how the project had developed some three months after completion of the RFT process. S43 (1) (c) i

161. The review team notes while the fabric specification was (still) being varied, albeit informally, and the source for the fabric was still being determined three months after contract award, the Minister's approval was being sought for purchase of an additional 42,000 combat jackets at a cost of \$3.808m. The Project Approval Variation was sought by CA on 20 June 2003 and approved by the Minister for Defence on 26 June 2003.¹²⁰

162. S43 (1)(c) i & S41 (1)

Slide fasteners

163. Mr Marshall made particular mention of the slide fastener, which the specification required to meet Australian Standard (AS) 2332. He professed doubt that the generic slide fastener furnished met AS 2332¹²². The review team failed to locate any documentation which confirmed the quality of the slide fastener.^{121 (f)} Consequently, ^{121 (f)} was approached and he presented to the review team a test certificate based on the US standard but no test certificate against the required AS. Consequently,^{121 (f)} was asked to obtain a certificate demonstrating that the slide fastener met the required standard. In response^{121 (f)} obtained the required test certificates, based on tests conducted on 19 August 2005. The certificates demonstrate that the slide fastener tested on that date met the required AS 2332.¹²³

Cuffs

164. S43 (1)(c) i

Mr Marshall claimed

S43 (1)(c) i

WP3.1-2
 WP6.22.1-2
 WP3.6
 WP3.21.1-3

165. Specification 6769 included, at clause 2.3.5, the following reference to cuffs:

- The cuff shall be manufactured from a Meta aramid 1 x 1 rib knit fabric with a mass of 375+/-40g/m2 when tested in accordance with AS2001.2.13 Determination of mass per unit area. The colour shall be khaki to match the base cloth. [IMPORTANT]¹²⁵

166. S43 (1)(c)1

167. Mr Stuart Lawrie informed the review team that meta aramid was specified for the cuff to "come up with something that would have some FR characteristics.....in retrospect, it was probably a little bit overboard."

168. S43 (1)(c)1 required meta aramid cuffs on the garment. Mr Roberts informed the review team that all production garments were manufactured with a heavy weight wool/nylon cuff. S43 (1)(c)1

Mr Roberts stated that he consulted MAJ Scheidl on the issue and together they made the decision to replace the cuff. S43 (1)(c)1

169. S43 (1)(c)1

170. S43 (1)(c)1

¹²⁴ WP3.5
¹²⁵ WP3.46
¹²⁶ WP6.168.3
¹²⁷ WP6.99
¹²⁸ WP3.46
¹²⁹ WP3.31

171. S43 (1) (C) 1 & S45 (1)

172. S43 (1) (C) 1 & S45 (1)

173. S43 (1) (C) 1 & S45 (1)

174. S43 (1) (C) 1 & S45 (1)

175. S43 (1) (C) 1 & S45 (1)

176. S43 (1) (C) 1 & S45 (1)

S43 (1) (C) 1 & S45 (1)

177. Following release of the draft report, S43 1 (C) i different information in S43 1 (C) i

Recommendation

178. S43 1 (C) i

Management response to the recommendation

179. Agreed. The SPO will calculate the cost differential between what was specified and what was delivered and take all necessary action to recover the difference. S43 1(C) i

Fire resistance and retardant qualities

180. S41 (1)

181. The requirement for the garment to possess a degree of fire resistance was documented in the Development Guidance issued to the CSE IPT in December 2000¹³⁶. This requirement was also noted in the presentation slides prepared by MAJ Scheidl¹³⁷. Despite that, Specification 6767 did not include any reference to flammability. S43 1 (C) i & S41 (1)

182. The review team was unable to locate any evidence that the fabric used in the manufacture of the garments had ever been tested by a certified laboratory to identify its flammability, particularly considering its construction using adhesives and other non-fire

¹³⁶ WP6.81.1

¹³⁷ WP6.122.2

¹³⁸ WP3.79

¹³⁹ WP3.80

¹⁴⁰ WP3.83

S43 (1)(c) I

Recommendation

183. It is recommended that a sample of fleece jackets already delivered be submitted for scientific testing regarding flammability.

Management response to the recommendation

184. Agreed. The SPO will arrange for flammability tests to be conducted on a sample of fleece jackets.

Quality Assurance

185. Upon commencement of production, the Project Authority engaged members of the CCDC to perform a number of Quality Assurance audits on manufactured garments. These audits were conducted¹⁸⁴ and involved the testing of production samples in accordance with ASI199 – (Sampling Procedures and Tables for Inspection by Attributes).

186. S43 (1)(c) I

187. S43 (1)(c) I

188. S43 (1)(c) I

¹⁸⁴ Ibid. para 116, 2002/S0220/1, WP 6.150.

Concessions

189. The following table shows the history of informal concessions granted concerning fabric performance. These concessions resulted from the difficulty the fabric suppliers were experiencing in meeting the specification.

TABLE 7. Chronology of concessions

Chronology of concessions ¹⁴² to Specification 6767	
Date	Event
17 March 2003 ¹⁴³	amendment; Air Permeability - between 5 and 9 when tested at a pressure differential of 98 Pa.
20 May 2003 ¹⁴⁴	amendments; Air Permeability - between 5 and 10 at 98 Pa and Moisture Vapour Permeability - less than 55.
23 June 2003 ¹⁴⁵	
23 June 2003 ¹⁴⁷	Air Permeability - between 5 and 9, Moisture Vapour Permeability - less than 55, and Handle and low rustle (not in specification) will be assessed as very important features.
26 June 2003 ¹⁴⁸	Moisture Vapour Permeability - less than 55, No de-lamination after washing test, and Air Permeability - between 5 and 9.
7 August 2003 ¹⁴⁹	Moisture Vapour Permeability - less than 20, and Air Permeability - less than 6.
7 November 2003	Moisture Vapour Permeability - less than 20, and Air Permeability - less than 6.
1 December 2003 ¹⁵⁰	Moisture Vapour Permeability - less than 20, and Air Permeability - less than 6.
8 December 2003 ¹⁵¹	a Moisture Vapour Permeability rating of less than 30 would provide comfort in 90% of instances.

¹⁴² There may have been other concessions however, this table identifies concessions which were effectively ongoing, albeit informal, variations to the requirement.

¹⁴³ WP6.162

¹⁴⁴ WP6.181.1-2

¹⁴⁵ WP6.161

¹⁴⁶ WP6.76

¹⁴⁷ WP6.169

¹⁴⁸ WP6.182

¹⁴⁹ WP6.37

¹⁵⁰ WP6.135.1

	s43 1 (a) 1
2 March 2004 ¹³²	s43 1 (a) 1 following requirements; Moisture Vapour Permeability – less than 30, and Air Permeability – less than 6. s43 1 (a) 1

Conclusion regarding allegation 3

s43 (1)(c) 1

Allegation 4

It was alleged that the supplied jackets pose a risk to operational military personnel.

Trigger snag hazard

190. The main safety issue raised by Mr Marshall has been the alleged trigger snag hazard. In his letter of 18 December 2002 ^{s43(1)(b)} Mr Marshall described the position of the drawstring toggles as 'a major safety issue ... the perfect spot to snag a trigger.'¹³³ Mr Marshall raised the safety issue again in response to the RPT in which he stated that 'exposed toggles on the side of the garment will lead to snagged weapons and accidental discharges.'¹³⁴ In June 2003 Mr Marshall wrote again to ^{s43(1)(b)} this time with regard to the awarding of combat jacket contract to ^{s43(1)(b)}. On that occasion Mr Marshall stated that the garment design 'incorporates a design flaw which is a major safety hazard to the wearer.'¹³⁵

191. On 21 September 2003 Mr Marshall wrote ¹³⁶ again to ^{s43(1)(b)} asking 'if your office has addressed the safety issue which I have previously advised of, relating to placement of toggles on this jacket?'

192. Mr Marshall's letter of 21 September 2003 elicited a response from Mr David Moran, Acting Project Officer, Joint Material Agency, on 25 September 2003¹³⁷. In response to the request for advice as to whether the safety issue had been addressed, Mr Moran stated:

- 'There has been no engineering change to the current specification, Army (Aust) 6769 Jacket, Wool Fleece, Clothing Ensemble, Khaki and a Report on Defective or Unsatisfactory Material (RODUM) has not been submitted for this item. I can assure you

¹³³ WPA.180 located on EDe 2003/11755/2

¹³⁴ WPA.55

¹³⁵ WPA.74

¹³⁶ WPA.88

¹³⁷ WPA.92

¹³⁸ WPA.100

¹³⁹ WPA.101

that all the issues in clothing safety will be addressed immediately and a formal design change will be offered.'

193. S43 (1)(e) i

194. In response to RFQ 8579 in January 2004, Crossfire notified Defence of concerns that drawstring toggles on the Cold Weather Jacket represented a trigger snag hazard. The review team located a safety investigation report¹⁵⁹, which referenced the 23 January 2004 letter¹⁶⁰ from Crossfire. The report demonstrates that this matter, which is effectively identical to the snag hazard issue with regard to combat fleece jackets, had been explored. However, the review team did not sight evidence that Crossfire had been made aware that the testing had been undertaken. Mr Marshall was contacted by the review team and has confirmed that he was not advised of the testing¹⁶¹.

195. The review team also noted that the safety investigation into the snag hazard did not address possible solutions such as moving the toggles from the sides or using a commercially available hidden toggle.

196. A second safety related issue¹⁶² raised by Mr Marshall concerned flammability, which the review team noted had been identified as a factor in the development guidance and the CSB IPT slideshow. It appeared that Defence did not undertake relevant scientific testing. Such testing, which the review team has recommended be conducted, could have allayed Mr Marshall's concerns or confirmed their validity and caused design changes.

Conclusion on allegation 4

The review team considered that the two safety issues raised by Mr Marshall were the trigger snag hazard and flammability. With regard to the trigger snag hazard, Defence conducted tests, albeit belatedly and in respect of a similar jacket, rather than the combat fleece jacket per se. Those tests, which did not consider available options such as moving the toggle or changing the type of toggle, concluded in part, that 'the toggle assembly does not demonstrate a significant safety hazard and is not likely to cause inadvertent discharge of a weapon'. The greatest failure regarding the toggle issue appears to be lack of notification to inform Mr Marshall that tests had been undertaken.

There was no evidence to suggest that Defence had undertaken relevant scientific testing as to flammability and the exchange of wool/nylon cuffs in lieu of meta aramid cuffs may have increased any risk to wearers.

¹⁵⁹ The fleece jacket obtained by the review team has a manufacture date of June 03 however as the garment was still on issue the review team concluded that there has been no recall due to an identified safety issue.

¹⁶⁰ LEA report CMSFS 04025 "Cold Weather Jacket DFDU Safety Investigation" dated 7 June 2004 located on file 2003/11755/2. WPA.154.1/11.

¹⁶¹ The letter is on file 2003/11751/2.

¹⁶² E-mail Peter Marshall to DMA.S 30 August 2003.

¹⁶³ WPA.154.

The review team could not reach a conclusion on the flammability issue due to lack of relevant scientific testing.

Configuration control

197. Both the RFT and the resultant contract required that the jackets were to be manufactured in accordance with Army (Aust) 6767 and 6769. The review team established that specifications Army (Aust) 6767 and 6769 no longer describe the garment which was delivered. The specifications have not been updated to reflect changes and concessions. The above specifications were described as 'tender specifications' and the review team contacted the Director SSSPO to discuss his expectations concerning maintenance of the specifications. He concurred with the review team's view that, in the interests of configuration control, the 'tender specification' should become simply 'the specification' and be maintained over time to reflect current requirements.¹⁶³

198. The review team noted that a Design Acceptance Authority from Land Engineering Agency (LEA) approved the tender specifications¹⁶⁴. One effect of granting informal concessions was to remove the recognised 'approval' authority from the decision making process.

199. An earlier review in the clothing area identified a similar problem with configuration control. With regard to socks, Defence felt compelled to accept some \$20K worth of socks which did not comply with the (then) current specification, as it was conceded that there were multiple versions of the specification in circulation. With regard to the combat jackets it was clear from the documentary evidence that granting of informal concessions had occurred without appropriate amendment to the specification. This has led to confusion between Defence and manufacturers as to what specifications apply. It also makes it extremely difficult for Defence to protect its legal position in event of any claim for faulty goods and damages the Department's credibility, as in the current case.

Recommendation

200. It is recommended that relevant specifications be amended formally when requirements change such that the control version reflects the actual Defence requirement. Distribution of copies of the control version must be managed and recorded to ensure that entities involved in production, testing, and receipt all hold the same current version of the specification.

Contract amendments

201. 543 (1)(c) 1

• 543 (1)(c) 1

¹⁶³ WP3.111
¹⁶⁴ WP3.41 & 3.64

• S43 (1)(c) i

•

•

• S43 (1)(c) i

• S43 (1)(c) i

• S43 (1)(c) i

• S43 (1)(c) i

202. S43 (1)(c) i

• S43 (1)(c) i

• S43 (1)(c) i

203. S43 (1)(c) i

204. S43 (1)(c) i

S43 (1)(c) i

205, S43 (1)(c) i

- S43 (1)(c) i

- **NOTE: A summary of the changes made to Appendix 2 to Annex A is as follows:**
 - a. Paragraph 2 'Quality Plan' has been amended to remove the requirement to submit a new quality plan
 - b. Paragraph 4 'Test Requirements' has been amended to insert wool/nylon 3x3 rib to reflect approved material.
 - c. Paragraph 10 'Contract Certification' has been changed from an SGI acceptance to a certificate of conformance, which is to be provided with each delivery.¹⁶³

- S43 (1)(c) i

- S43 (1)(c) i

- a) 11. Quality Assurance Representative has been amended to remove acceptance of Supplies.
- b) 12. Acceptance has been added to incorporate receipting of supplies at the delivery in accordance with clause 10. Contractor certification.¹⁶²

Allegation 5

That DMOCC ignored advice from Crossfire P/L in relation to flaws in the design and specifications of the combat jacket. Mr Marshall claimed that these flaws have been realised since the jackets were issued and documented in numerous RODUMs.

206. The review team noted that Crossfire had, in a variety of e-mails and letters, alluded to a number of flaws. Crossfire's advice and Defence's responses are shown in the following tables.

¹⁶⁰ WP6.18.1

¹⁶¹ WP6.18.5

¹⁶² WP6.19.3

¹⁶³ WP6.19.3

¹⁶⁴ The review team consider that this means simply that the goods will be accepted if accompanied by a Certificate of Conformance from the contractor. WP6.20.3

TABLE 8.1 Defence responses to Crossfire's advice

Advice	Response
The nature of fleece, which Mr Marshall defined as knitted fabric with a ground knit supporting pile loops which are sheared or cropped.	nil ⁽⁶⁾
the use of adhesives reduces the performance of a fabric and implies that felt rather than fleece is specified	
the straight cut restricts fit for individuals with broad shoulders or well developed biceps	
need to extend elbow patch between elbow and cuff to reduce fabric wear	No response found
the inclusion of shoulder patches to reduce fabric wear caused by webbing and pack straps	No response found
relocating the rank slide closer to the zipper to avoid it being covered up and snagged on webbing straps	No response found
relocating the drawstring toggles to avoid snagging on a weapon trigger	No response found. (Much later, Mr Marshall made the same points in response to an RFT for a similar garment. A safety test was conducted but it appears Mr Marshall was not informed.) ¹⁷⁰

TABLE 8.2 Defence responses to Crossfire's advice

Advice	Response
synthetic fibres could be used to achieve fire resistance	nil ⁽⁷⁾
adhesives degrade the fire resistance of textiles	No response found.

¹⁷⁰ WPS.116

TABLE 8.3 Defence responses to Crossfire's advice

Advice	Response
the use of non-woven textiles reduces severely limit stretch, breathability and drying characteristics	No response found
adhesives reduce breathability, eliminates the quick drying capacity and reduces flame resistance	No response found
elbow patch to be extended to the wrist to reduce wear	No response found
the addition of shoulder patches to reduce wear and repel light rain	No response found
the addition of a front flap lining to prevent zipper snagging and reduce wind penetration	No response found
collar lining for reinforcement	No response found
suggested improvement to the epaulette to prevent snagging and loss of rank slide	No response found
hiding the drawstring toggles to prevent snagging on weapons	No response found
the addition of thermal lining of pockets	No response found
the addition of a hangar loop inside the collar	No response found

207. While some points raised by Mr Marshall were dealt with in e-mails from Messrs ⁴⁴¹⁽¹⁾ and ⁴⁴¹⁽¹⁾ in December 2002, the review team was not able to identify responses addressing all the points raised. The e-mails from Messrs ⁴⁴¹⁽¹⁾ and ⁴⁴¹⁽¹⁾ reminded Mr Marshall that the RFT allowed for alternative tenders to be submitted. This could be seen as addressing the claimed flaws for which no specific response was found. However, it should be noted that ⁴⁴¹⁽¹⁾ e-mail effectively prevented Mr Marshall from submitting an alternative design. The e-mail stated that test results were required and Mr Marshall had already advised that the tender period prevented testing.

208. Design changes requested by Chief of Army, actioned through amendment one to CAPO 202862, included repositioning of the centre front epauletta. It is unclear whether this change was coincidental or resulted from Mr Marshall raising the issue. The review team did not locate any advice to Mr Marshall to inform him that the change had been implemented.

209. The alleged 'trigger snag hazard' was dealt with in respect of the Cold Weather Jacket (DPDU) but it does not appear that Mr Marshall was informed¹⁷¹. The review team has discussed the trigger snag hazard further with regard to allegation three.

RODUM

210. S43 (1)(c) i

- S43 (1)(c) i
- S43 (1)(c) i
- S43 (1)(c) i
- S43 (1)(c) i
- S43 (1)(c) i

¹⁷¹ WFS.118

- The Army has developed a combat clothing system with a layered approach that provides a progressive increase in protection to allow for changes in climate and activity levels. The second layer of this system is a sweater (jacket) manufactured from a pure wool fibre with reduced weight/volume and enhanced thermal protection properties compared to the current in-service sweater.
- As part of the 2002-03 investment program 36,500 jackets at a cost of \$9.31m were acquired as a fiscal enhancement in support of troops in East Timor.
- Competing capability demands restricted funding to the support of Army's operational requirements and selected high-priority units.

214. 543 (1)(c)1

Project Approval Variation for additional \$3.808m

213. 543 (1)(c)1

That immediately following the awarding of the contract for the supply of 33100 jackets, two further orders were placed with this company for a total of 46400 jackets under a re-order clause in the contract.

Allegation 6

The review team concluded that action taken regarding the advice was less than satisfactory. DMO is under no obligation to act on advice received from industry, but as a matter of courtesy, it should be acknowledged.

Conclusion on allegation 5

212. 543 (1)(c)1

211. 543 (1)(c)1

- 543 (1)(c)1
- 543 (1)(c)1
- 543 (1)(c)1
- 543 (1)(c)1

- *Combat sweaters were used in Afghanistan and Iraq and were widely considered an improvement on the previous sweater still in general Army usage.*
- *This proposal completes the fleet enhancement by enabling an Army wide issue of the Combat Sweater.*

215. s43 (1)(c) 1

Conclusion on allegation 6

s43 (1)(c) 1

Ignoring semantic arguments concerning 'immediately', the review team concluded that the allegation is generally correct.

Allegation 7

It was alleged that the amount of jackets ordered during this initial period was excessive (79300 in total) and posed a risk to Defence considering the initial supply had not yet been issued, used and operationally assessed.

Deliveries from the initial contract of \$3.31m

216. The initial 36,500 jackets under this contract were delivered to the Baddiana store during the period 29 May 2003 to 16 February 2004. As of 26 June 2003, when the Minister approved the additional jackets, none of the combat jackets had been issued from the Baddiana store to the users. The first issue of these combat jackets occurred on 5 August 2003 with the issue of 25 small and 30 large jackets, a total of 55 jackets. s43 (1)(c) 1

Conclusion

217. s43 (1)(c) 1

218. The review team also noted that throughout the relevant period the Department had large stocks of 'Howard Green' jumpers. As at 18 August 2005 approximately 30,000 were

WP 691.1-3
 WP 13.6
 WP 13.2
 WP 13.6

still in stock with a value of approximately \$1.5m. SO1 ADF Clothing advised that ACPEC had agreed that the Howard Green jumpers would be utilized for the cadets. The review team is uncertain about the practicalities of this plan, given the likely size differential between the average cadet and the average soldier. SO1 ADF Clothing advised that ACPEC accepted that sizing will pose a problem for some cadet sizes.

219. Notwithstanding ACPEC acceptance of the problem associated with the size difference between the available jumpers and the bodies of the cadets, that problem remains. There is a storage cost associated with holding the jumpers, which may still be fit for purpose for military members in many parts of Australia.

Recommendation

220. It is recommended that the matter of future use of the Howard Green jumpers be referred back to ACPEC for proper consideration of options.

Management response to the recommendation

221. Agreed. DSSSPO will formally write to Army HQ seeking direction for the use of Howard Green jumpers.

S43 (1)(c)1

222. ~~.....~~

223. ~~.....~~

224. In an e-mail¹⁷⁹ to MAJ Harrison on 8 December 2003, Mr Norm Thomas stated, inter alia, that:

¹⁷⁹ On file 2003/49592/1, WP6.133.1
¹⁷⁸ WP6.135.2
¹⁷⁷ WP6.40.1
¹⁷⁶ e-mail is on file 2003/11755/2, WP6.134

• S43 (1)(c) 1

• S43 (1)(c) 1

225. MAJ Harrison tasked Mr Stuart Lawrie with attending to Mr Thomas' request and recommended ¹⁸¹ In an e-mail dated 8 December 2003 ¹⁸¹, Mr Lawrie informed MAJ Harrison of the result of his inquiries which included the following statements:

• S43 (1)(c) 1

• S43 (1)(c) 1

226. ¹⁸¹

Concession regarding the cuff

227. An informal concession allowing the fire resistant meta aramid cuff to be replaced with a wool/nylon cuff was given before delivery of the first jacket without amendment of the specification or testing, by Defence, of the fire resistance qualities of the wool/nylon cuff.

228. S43 (1)(c) 1

Conclusion on allegation 7

The review team considers that the allegation is correct. S43 (1)(c) 1

¹⁸⁰ This is the permeability figure for thermal and water vapour resistance required by the specification WP1.20
¹⁸¹ WP6.180
¹⁸² WP6.182
S43 (1)(c) 1

Allegation 8

It was alleged that s1(1) s1(1)	within s1(1)	resigned from the
------------------------------------	--------------	-------------------

229. An s1(1)
s1(1)

-
-
-
-

230. s1(1)

231. s1(1) & s1(1)

232. s1(1) & s1(1)

233. s1(1) & s1(1)

20 WP6.136
 21 WP6.29.1
 22 WP 7.10
 23 WP7.22.1

234. 543 (1)(c)

Defence officials with responsibilities associated with the RFT

235. The Combat Jacket RFT G5-202862 issued on 27 November 2002 with a closing date of 13 January 2003¹⁸⁹ stated, inter alia, that:

- any technical enquiries regarding it should be directed to Mr Laurence Pain¹⁹⁰
- any tender enquiries should be directed to Mr Paul Roberts
- the point of contact for the Project Authority is Mr Paul Roberts¹⁹¹, and
- the point of contact for the Contract Agency is Mr Jim Gerassimou.¹⁹²

236 541 (1)

¹⁸⁹ The RFT also noted that the tender room would be closed from 20th December 02 to 7 January 03 and that tenders would not be able to contact the tender room during these dates. WP 6.62.2

¹⁹⁰ WP3.11

¹⁹¹ WP3.26

¹⁹² WP3.26

¹⁹³ WP6.159.1

¹⁹⁴ WP6.74

Prior handling of queries 543 (1)(c)(H)

237. DMO staff provided the review team with a brief¹⁹⁵, for Commander Joint Logistics Command (CJLOG) use at the February 2004 Senate Legislation Committee (SLC) Hearings.
55(1)

238. 41(1)

239. 41(1)

240. 41(1)

241. 41(1)

242. The review team does not consider these responses to be satisfactory. On a practical level it is widely understood that there is wide exchange of complaints, on the clothing issue in particular, between disgruntled ADF members, suppliers, and members of the public. The Department is aware of two websites that provide at least one mechanism for the exchange of opinions. The commonality of issues, terminology, and timing between the various sources of complaints suggests that this exchange is occurring at the very least through those websites. Given that background, there is risk involved in issuing statements or talking point

¹⁹⁵ 6.183.1
¹⁹⁶ WP3.119.1
¹⁹⁷ WP3.119.2
¹⁹⁸ WP3.119.3
¹⁹⁹ WP3.112.1
²⁰⁰ WP3.112.2

briefs that appear at odds with information already in the public domain. To do so may further damage relationships with potential suppliers, leading to further or elevated complaints such as Ministerial representations or Freedom of Information requests.

243. S43 (1)(e) I

Relationship management

244. The issue of relationship management is an important one for the Land Combat Systems Branch. In separate recent initiatives, DGLCS had met with Mr Marshall and Director SSSPO had released a Relationship Plan for the SPO. These are positive steps toward improving relationships between DMO and its suppliers. Due to the history of difficulties between Crossfire and SSSPO, the review team considers that DGLCS should vet all correspondence concerning Crossfire until the relationship is repaired.

Conclusion regarding allegation 8

On the evidence available to the review team it appears correct ^{(1)(b) & (1)(c)}

Delivery

245. S43 (1)(c) I

246. S43 (1)(e) I

247. S43 (1)(e) I

²⁴⁴ Email from DMA S to Director SCS SPO 30 August 05

Conclusion regarding requirement for closure of this matter

248. Noting the previous correspondence from Mr Marshall and his concerns over the adequacy of responses, the review team considers that he should now be provided with some degree of closure on all the issues raised subject to commercial in confidence and staff in confidence considerations.

249. The Inspector-General's Group has a responsibility to respond on the particular allegations in Mr Marshall's letter of 8 July 2004²⁰⁰⁴. The review team suggests that once the I-G's response is available a more general DMO response to Mr Marshall might assist in rebuilding the relationship between Mr Marshall and the Department.

Sensitivity

250. The review team notes that there is a risk that adequate responses to the issues raised by Mr Marshall may be at odds with information already in the public domain. This issue will have to be managed.

251. The Chief of Army and Minister for Defence may need to be advised of the finding concerning the state of the project when approval for additional purchases of approximately \$4m of combat jackets was sought by Chief of Army and given by the Minister for Defence in June 2003.

Recommendation

252. It is recommended that DGLCS consider whether performance management action is warranted in respect of individuals, including those at supervisory levels.

Management response to the recommendation

253. Agreed.

254. *440

Table 9. Acronyms

4 RAR	4 th Royal Australian Regiment
ACPEC	Army Clothing and Personal Equipment Committee
AHQ	Army Headquarters
AIJ	Australian Industry Involvement
AMIS	Audit Management Information System
AS	Australian Standard
ASGR	Assistant Secretary General Investigation and Review
ASMA	Assistant Secretary Management Audit
CA	Chief of Army
CAPO	Contract Acceptance and Purchase Order
CCDC	Combat Clothing Development Cell
CJLOG	Commander Joint Logistics Command
CON(LS)	Contracting Land System (CON(LS))
COTS	Commercial Off The Shelf
CROSSFIRE	Crossfire Australia Pty Ltd
CSE	Combat Soldier Ensemble
CSE IPT	Combat Soldier Ensemble Integrated Project Team
CSIRO	Commonwealth Scientific & Industrial Research Organisation
DAC	Defence Audit Committee
DDPP	Disruptive Desert Pattern Print
DDSCS	Deputy Director Soldier Combat Support
DGLCS	Director-General Land Combat Systems
DGLD	Director-General Land Development
DMO	Defence Materiel Organisation
DMOCC	Defence Materiel Organisation Combat Clothing
DPCU	Disruptive Pattern Camouflage Uniform
DPPM	Defence Procurement Policy Manual
DPSME	Defence Policing Security Management
DSTO	Defence Science and Technology Organisation
EAS	Equipment Acquisition Strategy
EIO	Equipment Information Office
FEP	Fleet Enhancement Proposal
FR	Flame Resistant
FY	Financial Year
GIR	General Investigation and Review
GST	Goods and Services Tax
ILSI	Integrated Logistics Support Instruction
JMA	Joint Materiel Agency
LEA	Land Engineering Agency
LSD	Land Systems Division
MAB	Management Audit Branch
MINCAPPC	Minor Capital Programming Committee
NATA	National Australian Testing Authority
OC	Officer Commanding
QAR	Quality Assurance Representative

QM	Quarter Master
RA	Rapid Acquisitions
RFQ	Request For Quote
RFT	Request For Tender
RODUM	Report on Defective or Unsatisfactory Materiel
SASR	Special Air Services Regiment
SCS	Soldier Combat Support
SER	Source Evaluation Report
SLC	Senate Legislative Committee
SOW	Statement of Work
SPO	System Program Office
SSSPO	Soldier Support System Program Office
STA	Summary of Tailoring Assessments
TEB	Tender Evaluation Board
TEP	Tender Evaluation Plan
WP	Work Paper

understanding as to why he was given specific direction towards a fabric, Mr Lawrie stated:

- “As I understand it, we were asked to come up with a fabric like that because that’s the fabric – or that’s the garment that Army Headquarters had been shown, I suppose, so -.”

54. The review team followed up on this issue with MAJ Des Scheidl¹⁶. In response to being asked “in relation to the writing of the specification for the fabric, how were the technical criteria determined and who made those decisions?” MAJ Scheidl stated that:

- “The technical criteria were provided by S43 (1) (c) i DSTO recommendation and 4 RAR trial). The specifications provided by S43 (1) (c) i used as the basis for the production of the final specification.”

55. The review team has located correspondence^{S43 (1) (c) i} which confirms the above relationship between its fabric and the specification.¹⁷ The relationship is discussed in detail later in this report.

56. The 4 RAR trial, such as it was, involved only one type of fabric made into two styles of jacket. The Fleet Enhancement Proposal¹⁸ of 8 August 2002 noted that:

- ‘considerable design work had been undertaken and limited trials were being conducted at 4 RAR. As a result of these trials LSD will be required to develop specifications for raw material fabric and garment manufacture and obtain user sign off through AHQ.’

Involvement of DSTO

57. The CSE IPT, chaired by a member of Director-General Land Development (DGLD), was comprised of personnel drawn from Army, the DMO and Defence Science and Technology Organisation (DSTO). CSE IPT minutes indicate that representatives from DSTO were present during discussions and presentations relating to the combat jacket. MAJ Scheidl was a member of the project team, representing the DMO. Upon the three layer cold weather ensemble being determined, MAJ Scheidl and the CCDC commenced the development of garments in consultation with industry; specifically^{S43 (1) (c) i} As a result, a laminated wool fleece material was developed. This was allegedly presented to the CSE IPT and endorsed.

58. As a consequence of the deployment of Special Forces personnel to Afghanistan, a number of rapid acquisition serials commenced. The CCDC was tasked to support these with the provision of cold weather clothing. The laminated wool fleece material, developed with^{S43 (1) (c) i} considered the solution and two variant samples of the fabric were submitted to DSTO for testing. Mr Graeme Egglestone of DSTO conducted tests on these two samples (A and B) and reported¹⁹ on 12 July 2001: “My recommendation is that S43 (1) (c) i be manufactured into cold weather

¹⁶ MAJ Scheidl advised that he was posted to LEA with effect Jan 2001 and then moved to the position as OC Combat Clothing Cell (called Combat Clothing Unit –CCU when he commenced) in approx March 2001. He was also the Acting SO1 Combat Clothing and Development and his immediate supervisor was Mr Robin Beeton (EL2) now retired

¹⁷ S43 (1) (c) i during the tender period. The fax refers to development of the specification from

S43 (1) (c) i

¹⁸ WP6.10.1-2

¹⁹ WP6.187.2