



Section D1: U.K. Terms and Conditions for the Wheeled Tanker Program  
Revised: **August 8, 2023**

The U.K. Wheeled Tanker Contract No. **703040452** is a program of the United Kingdom Ministry of Defense (“U.K. MoD”). In order to ensure that certain legal requirements under the prime contract are consistently observed throughout the supply chain, Oshkosh Defense, LLC requires that you accept certain additional U.K. MoD contracting terms and conditions. These terms and conditions are called “DEFCONs,” which is an MoD abbreviation for “Defense Contracts Conditions.” Although DEFCONs are flowed down to suppliers much like the FAR and DFARS clauses contained in U.S. Defense Department contracts, their content is not necessarily similar to comparable FAR and DFARS clauses. Accordingly, please carefully note the contents of these DEFCONs.

The referencing and reproduction, in this section of the Supplier Standards Guide, of the appropriate U.K. MoD DEFCONs shall conclusively establish their applicability, as well as their incorporation into this Purchase Order, with the same force and effect as though set forth in the Purchase Order itself.

Many U.K. MoD documents referred to in the DEFCONs are available at: <https://www.defencegateway.mod.uk>. Oshkosh Defense, LLC will supply instructions for accessing the applicable sources.

Where the provisions of a listed DEFCON conflict with any other term or condition contained in this Purchase Order, the DEFCON shall govern.

#### Definitions

In order to effect the parties’ intent to flow down and accept the listed DEFCONs as between Oshkosh Defense, LLC and the Supplier, the listed terms shall generally be given the following meanings, unless the context dictates otherwise or unless subject to an interpretive note as indicated in the DEFCON Interpretive Notes below:

- “Contractor” shall mean Supplier.
- “Contract” shall mean the Purchase Order between Oshkosh Defense, LLC and Supplier.
- “Authority” shall mean Oshkosh Defense, LLC unless it is clear from the context of the DEFCON that “Authority” must refer to the U.K. Government or MoD in order to effect the essential purpose of the DEFCON as between Oshkosh Defense, LLC and Supplier.
- “Article” means the item or items to be furnished under the Purchase Order.

#### DEFCON’s Applicable to Purchase Orders

<u>DEFCON # (edition)</u>	<u>Description</u>
DEFCON 68 <b>(05/21)</b> :	Supply of Data for Hazardous Articles, Materials and Substances
DEFCON 76 <b>(06/21)</b> :	Contractor’s Personnel at Government Establishments
DEFCON 113 <b>(02/17)</b> :	Diversion Orders
DEFCON 501 <b>(10/21)</b> :	Definitions and Interpretations
DEFCON 513 <b>(04/22)</b> :	Value Added Tax

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DEFCON 515 (06/21):	Bankruptcy and Insolvency
DEFCON 516 (04/12):	<b>Equality</b>
DEFCON 518 (02/17):	Transfer
DEFCON 520 (08/21):	Corrupt Gifts and Payments of Commission
DEFCON 526 (08/02):	Notices
DEFCON 527 (09/21):	Waiver
DEFCON 531 (09/21):	Disclosure of Information
DEFCON 602a (12/17):	Quality Assurance with Quality Plan
DEFCON 608 (07/21):	Access and Facilities to be Provided by the Contractor
DEFCON 611 (02/16):	Issued Property
DEFCON 624 (11/13):	<b>Use of Asbestos</b>
DEFCON 632 (11/21):	Third party Intellectual Rights
DEFCON 637 (05/17):	Defect Investigation and Liability
DEFCON 644 (07/18):	Marking of Articles
DEFCON 691 (08/02):	Timber and Wood-Containing Products

## DEFCON Interpretive Notes

## DEFCON

<u>No.</u>	<u>Paragraph</u>	<u>Definition Comments</u>
501	All	These definitions remain as stated and are for information purposes.
531	All	The duty of confidentiality described in this clause apply to information received by Supplier from both Oshkosh Defense, LLC and the U.K. MoD.
608	All	The obligation to provide access described in this clause shall be afforded to Oshkosh Defense, LLC and, where necessary, the U.K. MoD.
611	All	This DEFCON shall apply to property issued to Supplier by either Oshkosh Defense, LLC or the U.K. MoD.
632	16	Paragraph 16 explains the mechanics for flow-down as between Supplier and Oshkosh Defense, LLC
644	All	Marking requirements are as set forth in DEF-STAN 05-34, which is included in the attached DEFCONs for your reference.

**Bold = Change**