

CONTRACT PROCEDURES

Category	Governance
Policy Owner	General Counsel
Last review	November 2024
Next review	November 2027
Approved by	Vice Chancellor
Effective date	November 2024

1. PURPOSE

To ensure that Contracts are entered into on behalf of the University in accordance with the Contracts Policy and these procedures.

2. SCOPE

These procedures relate to all employees and include negotiation, review and approval, entry into and management of Contracts with the exception of employment contracts.

3. DEFINITIONS

Contract: a legally binding agreement enforceable in Court. For the purposes of this Policy this includes Memorandums of Understanding and Tenders.

4. ACTIONS

Generally Contracts will involve the University obtaining or supplying goods or services. To ensure that risk associated with Contracts is managed effectively these procedures have been put in place.

Contract Manager: means the University Employee responsible for the management of a Contract.

4.1 CLASSIFICATION

Contracts are classified into two main types:

- **Standard/Template:** those entered into by AUT that contain standard terms and conditions which have been developed by the University and previously approved by General Counsel;
- **Non-Standard:** those that do not contain standard terms and conditions as developed by AUT. These are typically agreements where the other party have selected their own terms and present their agreement to the University.

4.2 NEGOTIATION

Prior to any commitment being entered into with a supplier and where a contract is required AUT staff negotiating a Contract must liaise with the subject matter areas below for guidance, as specific procedures for different Contract subject matters apply:

Legal Advice	General Counsel
Construction Contracts	Estates Division
Equipment and Services	Finance Division

Research	Research Office
Consultancy Contracts	Procurement
Subcontracting of Teaching Activity and TEC Contracts	Strategy & Planning
Memorandum of Understanding, Staff and Student Exchange, Articulation, Collaboration Agreements, Letter of Intent and Subcontracting Agreement	General Counsel
Any Contracts not described above	General Counsel

A full and accurate record of the negotiations and correspondence related to the formation of a contract must be retained in the relevant School or Unit.

The use of the University's standard terms and conditions as set out in the Contracts Templates should be used where possible. Where those standard terms and conditions are varied or a Non – Standard Contract is used the representative from the subject matter area above should seek advice from the General Counsel.

4.3 REVIEW AND APPROVAL

An employee negotiating a Contract must ensure that an appropriate time frame for review of the Contract is provided.

For a Standard Contract the review process should begin at least two weeks prior to the anticipated effective date of the Contract.

For Non-Standard Contracts, the review process must commence at least one month prior to the anticipated effective date of the Contract.

The above time frames exclude the time taken to perform market reviews. When required, these will take additional time to complete.

A request for review by the University's General Counsel must include the draft contract and the Contract Cover Sheet with signatures.

5. RESPONSIBILITIES

The name and position of the employee responsible for managing the contract- as Contract Manager will be included in every Contract and who will ensure the rights and obligations under the Contract are fulfilled.

6. POLICY BASE

Contracts Policy

7. ASSOCIATED DOCUMENTS

Contract Templates

8. DOCUMENT MANAGEMENT AND CONTROL

Procedure Owner:	General Counsel
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CONTRACT COVER SHEET

TO: GENERAL COUNSEL

Subject:	
Originating School/Faculty/Division/Business Unit:	
Date:	
Submitted by:	
Contract Manager:	
Name of University Signatory: (see Council Policy No.2: Delegations)	
Contact Amount (over entire term)	

OTHER PARTY CONTRACTOR/VENDOR INFORMATION

Contractor/Vendor:	
Address/Contact Details:	

CONTRACT TERMS

Is the University template used:	
Address/Contact Details:	
Date Commencing:	
Date Expiring:	
Value:	

OTHER DOCUMENTS

[name]:	
[name]:	

Reviewed by General Counsel	_____ (date) _____ AUT General Counsel
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ENDORSEMENTS

I have read the contract in its entirety and approve its contents and budget requirements. (provide signatures of the DVC/Dean/PVC/AVC/Group Director/

[name of contract]	_____ (date) _____ [insert name of relevant DVC/Dean/PVC/AVC/Group Director]
[name of contract]	_____ (date) _____ [insert name of relevant DVC/Dean/PVC/AVC/Group Director]
[name of contract]	_____ (date) _____ [insert name of relevant DVC/Dean/PVC/AVC/Group Director]