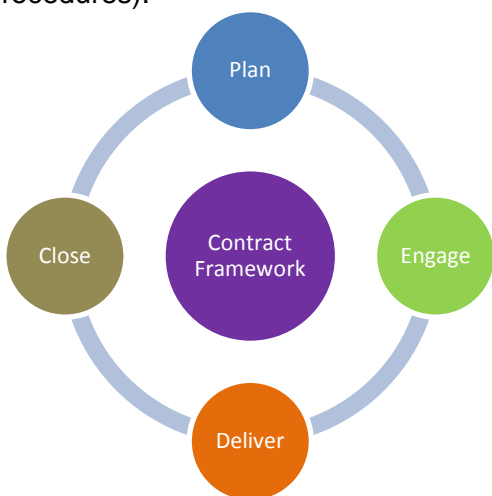


POLICY

CONTRACT MANAGEMENT POLICY

<p>POLICY STATEMENT</p>	<p>The intent of this policy is to establish a University-wide governance structure for managing contracts and other legally binding documents.</p> <p>The Policy aims to ensure:</p> <ul style="list-style-type: none"> • A standard approach and framework is adopted across the University in the management of contracts; • the University enters into and manages contracts in a manner which facilitates University business and minimises risk; • University staff understand the University's responsibilities under a contract and are adequately skilled and trained to do so; • contracts are managed and reported to ensure quality performance and value for money are achieved in line with expectations; • maximised supplier and industry engagement to ensure interest to that a competitive and willing market exists to support the University; and • the University receives the benefit of the contract.
<p>PURPOSE</p>	<p>1. The contract management framework will follow the four simple steps outlined below (explained further in the Goods and Services Contract Management Procedures):</p> <div data-bbox="718 1187 1212 1680" data-label="Diagram">  <pre> graph TD Plan((Plan)) --- Engage((Engage)) Engage --- Deliver((Deliver)) Deliver --- Close((Close)) Close --- Plan CF((Contract Framework)) </pre> </div> <p>2. Members of the University's Executive leadership team are ultimately responsible for the management of all contracts within the University (as defined by the University's Financial Delegations and Authorities Schedule). However, the day to day management of a contract is delegated by a member of the Executive to a suitably qualified and skilled Contract Manager.</p>

3. The Contract Manager will oversee and take responsibility for the negotiation of the contract, performance by both the University and the contractor of the obligations under the contract, reporting on contract performance, maintaining appropriate records in relation to the contract and transition from the contract upon termination or expiry.
4. Financial delegation level does not determine the appointment of a Contract Manager. A Contract Manager can manage a contract worth more than their level of financial delegation; however Contract Managers cannot approve expenditure on items above their financial delegation.
5. Contract Managers shall be adequately skilled in contract management according to the level and complexity of contract. Relevant training will be provided to Contract Managers.
6. University procurement policies and procedures must be adhered to at all times.
7. Standard University-approved contracts shall be used at all times (Australian contracts are available for the majority of requirements). These include:
 - Consultancy Agreement – to be used when engaging any external consultancy
 - Minor Works contract conditions – AS4906 2002. To be used for minor works and majority of service delivery contracts such as corporate contracts.
 - General Conditions of Contract - AS4000 1997. Lump Sum construction contract.
 - General Conditions of contract for design and construct – AS4902 2000.
 - General conditions of contract for the supply of equipment and installation – AS4910 2002.
8. All contracts must include clauses which allow and/or regulate variations to the original contract, extensions to the contract, and actions to be taken in the event of a contract dispute.
9. Relevant approvals must be obtained prior to commencing contract planning and engagement. In cases such as projects and corporate contracts it is generally acknowledged that they have been previously approved through the University's formal governance processes (via the submission of business cases and funding approvals to relevant Committees), and therefore do not require any further approvals other than those through the procurement and normal project management procedures. Project Managers must obtain a copy of the formal approval documentation for their records.

	<p>10. Each University business group must maintain its own contracts register (template available) to enable the effective planning, management and reporting of contracts. The Contracts Register is to include details of the contract description, campus location, name and contact details of Contract Manager, approved budget, name and contact details of the contractor, start and end date of the contract. Further, the Contract Manager must ensure that all relevant documentation pertaining to the contract, including the signed contract and contract approvals, are filed in the University's online central recordkeeping system.</p> <p>11. On an annual basis, all Contract Managers will be required to report on contract performance for all contracts of a value of \$100,000 and greater to the University Council via its Audit, Compliance and Risk Committee.</p> <p>12. General procurement under a standard Purchase Order has its own terms and conditions and staff are required to be familiar with these. In such cases where the standard Purchase Order can be easily used, a more formal contract is not required as it general relates to a simple purchase. Staff will still be considered to be a Contract Manager in this situation and must therefore manage the contract appropriately. Due to the simple nature and low risk normally associated with use of a purchase order a business case is not generally required.</p> <p>13. The Building Construction Industry Payments Act overrides the university payment policy and is applicable for any construction related contract across Australia.</p>
<p>SCOPE</p>	<p>This policy applies to all contracts and other documents which create legally binding obligations on the University including, but not limited to, procurement contracts for the supply of goods and services. This Policy will apply to a contract until contractual obligations have concluded.</p> <p>The following are excluded from this Policy:</p> <ul style="list-style-type: none"> • Employment contracts; • Non-binding Memoranda of Understanding; and • Partnering contracts with other education providers (covered under separate Policy).
<p>RESPONSIBILITY FOR IMPLEMENTATION</p>	<p>Overall implementation of this Policy is the responsibility of the Vice-Chancellor and President.</p> <p>Members of the University Executive team will be responsible for the facilitation and oversight of contracts within their portfolio in accordance with this Policy.</p> <p>The Contract Manager is responsible for the development of contracts, management of contracts for ensuring compliance with approved policies and processes.</p>

<p>COMPLIANCE AND MONITORING</p>	<p>Responsibility for Policy compliance and monitoring is vested in the University Executive where contracts relate to their portfolio responsibility.</p> <p>Operational monitoring of contracts is vested in the appointed Contract Manager; both for the purposes of compliance and for making business decisions based on the performance of contracts.</p>
<p>SUPPORTING LEGISLATION AND DOCUMENTS</p>	<p>Legislation</p> <ul style="list-style-type: none"> • <i>Financial Accountability Act 2009 (Qld)</i> • <i>Financial Accountability Regulation 2009 (Qld)</i> • <i>Financial and Performance Management Standard 2009 (Qld)</i> • <i>Information Privacy Act 2009 (Qld)</i> • <i>Public Records Act 2002 (Qld)</i> <p>Policy, Principles, Procedures, Plans, Guidelines and Templates</p> <ul style="list-style-type: none"> • Business Case Principles • Business Case Template • Code of Conduct • Conflicts of Interest Policy • CQUniversity's Strategic Plan and Mission • Financial Delegations and Authority Schedule • Gifts and Benefits Principles • Partnership Policy • Partnership Procedures • Privacy and Security Statement • Privacy Plan • Purchasing Policy • Records and Information Management Policy • Risk Management Framework and Guidelines • Risk Management Policy • Safety health Environment Workcover Sustainability Contractor Management Procedures • The State Procurement Policy 2010 (including referenced documents) • Australian National Audit Office – Developing and Managing Contracts
<p>DEFINITIONS</p>	<p>Contract - includes an agreement, exchange of letters, heads of agreement, binding memorandum of understanding, response to tender, grant application, trust deed and any other document which creates or which may create legally binding obligations on the University.</p>

	All terminology used within this policy is consistent with definitions in the CQUniversity Glossary .
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Approval Authority	Council
Administrator	University Secretary
Original Approval Date	12 May 2014
Amendment History	
Date of Next Review	12 May 2015
Related Documents	Contract Management Procedures