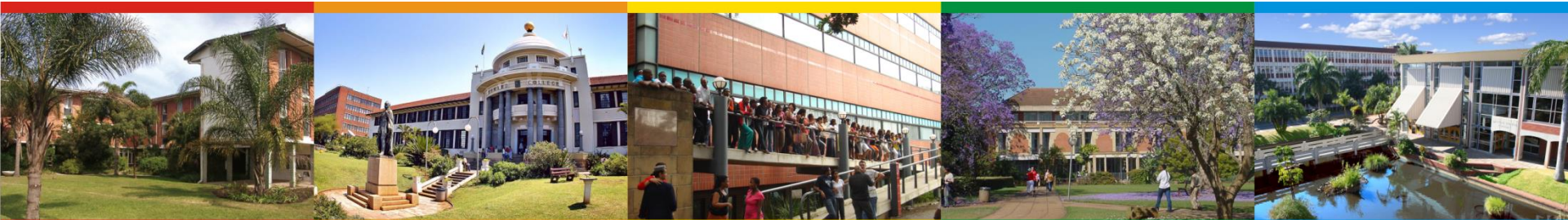




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Legal Services Role in processing HEARD contracts and providing legal advice

Tracey Samuel - Legal Advisor



EDGEWOOD CAMPUS

HOWARD COLLEGE CAMPUS

NELSON R MANDELA SCHOOL OF MEDICINE

PIETERMARITZBURG CAMPUS

WESTVILLE CAMPUS

INSPIRING GREATNESS

OBJECTIVE

The roles of the Legal Advisors are as follows:

1. Legal Drafting

- Service Level Agreements; Supplier Service Agreements
- Lease Agreements; Memorandums of Agreement/Understanding
- Consultancy/Sub-Consultancy Agreements; Grant/Funding Agreements
- Collaboration Agreements; Addendums to existing Contracts
- Tender (Bid) Documents.

2. Legal Advice and Legal Opinion

3. Legal Compliance and Risk

PRE-SUBMISSION STAGE

STEP 1-NEGOTIATION PHASE

All terms and conditions relating to the grants, proposals or contracts terms must be negotiated (eg. obligations; duration; price).

PRE-SUBMISSION STAGE

STEP 2-DOCUMENT SUBMISSION PHASE (Research Contracts)

Applications for Research Grants and Research Contracts by UKZN staff;
Any other document intended to be submitted to Funders to secure funding, in full or in part, for Research.

Research Specific Documents:

- Proposal
- Scope of work
- Award Letter
- Main agreement-if UKZN is a subcontractor
- Budget – internal budget
- Ethics approval
- Duly completed Form 1
- Other document being referred to in the contract

In terms of the Research Policy VI Grants and Contracts Policy (Policy) the following must be submitted to the Grants and Contracts Cluster of the Research Office at UKZN for review and approval prior to submission to Funders.

PRE-SUBMISSION STAGE

STEP 2-DOCUMENT SUBMISSION PHASE (Non-Research Contracts)

Instructing Party to obtain the documentation as listed below:

-Draft contract (in word format);

-Details of other quotations received/ proposals submitted/ tender documentation, if applicable.

-Other party company documentation:-

- ◇ Certificate of Incorporation;
- ◇ Current BBBEE certificate;
- ◇ Current & valid Tax clearance Certificate;
- ◇ VAT registration certificate;
- ◇ BBBEE certificate;
- ◇ Proof of banking account;

PRE-SUBMISSION STAGE

STEP 3: OBTAIN AUTHORISATION

The Instructing Party is required to complete a Checklist (to ensure that the contract is in order) and the required signed approval form from the authorised representative of the School/College/Division (if applicable) prior to submitting the contract via the contracts submission system. The required checklist and approval forms are annexed hereto

RESEARCH CONTRACTS:

- Form 1 (to be signed for new research contracts);
- Form 2 (to be signed or renewal, amendment and sub-contracts for an existing contract)

NON-RESEARCH CONTRACTS:

- Proof of Authority to be signed for all types of non-research contracts.

POST-SUBMISSION STAGE

STEP 4: Submission of Legal Forms

Instruction submitted by Instructing Party by completing the Submission e-Form via ImageNow and uploading supporting documentation

STEP 5:

Contracts Management to verify documentation uploaded in respect of the contract (Contract, Copy of previous fully signed Contract, Proof of Authority, Quotations, Budgets, proposals, etc.) within 3 working days of receipt.

POST-SUBMISSION STAGE

STEP 6

If the documentation is incorrect or incomplete, Contracts Offices to request in writing that incorrect and incomplete documentation be rectified by Instructing Party; which must be submitted within 5 working days from Contracts Officer request, failing which the contract will be rejected.

STEP 7

If the Contracts Manager receives no response/feedback after 5 working day period referred to in Step 3 above, the Contract will be placed in the “REJECT QUEUE”.

POST-SUBMISSION STAGE

STEP 8

If all documents have been received the Contracts Manager will route contract to Legal Advisor for review within 3 working days of receipt of instructions and complete documentation.

STEP 9

Legal Advisor to review contract (time and circumstances permitting) within 10 working days (non- research contracts) and 15 working days (research contracts)

POST-SUBMISSION STAGE

STEP 10

If contract is approved by Legal Advisor

Confirm review and route to Contracts Manager for pre-approval of authorised signatory.

The file will then be closed on the ImageNow System and archived.

If contract is not approved

Provide Instructing Party with reasons and/or legal advice.

If applicable:

1. Administrator to pend for follow-up with Instructing Party (maximum of 2 follow-ups, every 10 working days); or
2. Contracts Manager to place contract “ON HOLD QUEUE” pending receipt of information, results of investigation or any other feedback that may be required.

POST-SUBMISSION STAGE

STEP 11

If contract is in order as per Step 10 above, Contracts Manager will request instructing party to obtain external party's signature. Alternatively, the University's authorised signatory will be requested to sign first, depending on instructions received. The signed original contract will be archived thereafter.

QUESTIONS

If you have any questions on any aspect of today's presentation, please do not hesitate to contact:

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