Service Level Agreement (SLA)
For Legal Services Department – UKZN

Name of document:	Service Level Agreement (SLA), For Legal Services Department – UKZN
Reference number:	
Custodian: *(position/office)*	Director Legal Services Department
Effective date:	XXXXXXX
Document review date:	XXXXXXX
Implementation responsibility:	Director Legal Service
Version	**FINAL DRAFT**

Supported for implementation

18/11/14

1. PURPOSE

This SLA represents a Service Level Agreement ("SLA") of the Legal Services Department – UKZN for dissemination throughout UKZN.

This SLA remains valid until superseded by a revised version.

This SLA outlines the parameters of Legal Services as they are understood by the Legal Services Department and employees within this department.

This SLA codifies current processes and procedures as explicitly stated herein.

2. GOALS AND OBJECTIVES

The purpose of this SLA is to ensure that the proper elements and commitments are in place to provide consistent services and delivery of the same by Legal Services to UKZN community.

The goal of this Agreement is to obtain standardization, consistency and regularization of service provision between Legal Services and UKZN community.

The objectives of this SLA are to:

2.1 Provide clear reference to service ownership, accountability, roles and/or responsibilities.

2.2 Present a clear, concise and measurable description of service provision to UKZN community.

2.3 Match perceptions of expected service provision with actual service support & delivery.

3. STAKEHOLDERS

This SLA shall be used as the basis of service provision between the stakeholders (ie.Legal Services and UKZN Community).

4. PERIODIC REVIEW

This SLA is valid from the Effective Date outlined herein and is valid until further notice. This Agreement should be reviewed annually; however, in lieu of a review during any period specified, the current Agreement will remain in effect.

The Director of Legal Services ("Custodian") is responsible for facilitating regular reviews of this document. Contents of this document may be amended as required, and communicated to all affected parties. The Director shall incorporate all subsequent revisions and approvals as required.

5. SERVICE AGREEMENT

The workflow diagram/s annexed hereto marked 1, 2 and 3, are SLA's that will be signed with the relevant stakeholders.

6. SERVICE MANAGEMENT

Effective support of services is a result of maintaining consistent service levels. The following sections provide relevant details on service availability and related components.

6.1. Service Provision and Performance

Parameters specific to the service(s) covered in this SLA are as recorded in Workflows 1, 2 and 3.

6.2. Service Requests

In support of services outlined in this SLA, Legal Services Department will respond to service related requests submitted by the UKZN Community within the following time frames as set out in Workflows 1, 2 and 3.

WORKFLOW 1

Workflow between Contracts Management Staff, Administrator and Legal Advisor for Image Now System

Step 1.

Instruction submitted by Instructing Party to Legal Services via Image Now Contracts Management System

Step 2.

Contracts Management to check and verify documentation uploaded in respect of the contract (Contract, Copy of previous fully signed Contract, Proof of Authority, Quotations, Budgets, proposals, etc.) within 1-3 working days of receipt.

Step 3.

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

Step 4.

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

Step 5.

Contracts Management to route contract to Legal Advisor for review within 3 working days of receipt of instructions and complete documentation.

Step 6.

Legal Advisor to review contract within 10 working days (non- research contracts) and 15 working days (research contracts) and to correspond with Contracts Management/Instructing Party (whichever is applicable)

Step 7.

<u>If in order</u>
Confirm review and route to Contracts Management for pre-approval by authorised signatory

<u>If not in order</u>

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 Management to place contract "ON HOLD QUEUE" pending receipt of information, results of investigation or any other feedback that may be required.

Step 8.

If contract is in order as per Step 7 above, Contracts Management 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.

WORKFLOW 2

Workflow between Administrator and Legal Advisor for Opening of Manual Files

Step 1.
Instructions to open manual file sent to Administrator

↓

Step 2.
Files opened within 48 hour period on the File Index and e-mail sent to Legal Advisor confirming File Reference

↓

Step 3.
Administrator hands over manual file and all supporting documentation to Legal Advisor within 2-4 hours of opening file

↓

Step 4.
Legal Advisor to review documentation and provide legal advice within 10 working days

↓

Step 5.
Administrator to pend file for follow up 1-2 weeks later

↓

Step 6.
Administrator to send follow up correspondence, note any responses and bring to legal Advisor's attention for further instructions

↓

Step 7.
(Steps 4 to 6 may be repeated depending on the nature of the matter)
Maximum of 2 reminders to be sent to Instructing Party
Second reminder will indicate that file will be closed if no response received within 14 days

↓

Step 8.
If matter is resolved, instructions will be given to Administrator to close file and archive.

WORKFLOW 3

Workflow for the Instructing Party at Schools/Colleges/Divisions and Departments for the contract submission via Image Now System/ general legal advice

Step 1.
Negotiation Phase

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

Step 2.
Document Submission

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.

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.

The Instructing Party is required to seek a complete 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:	NON-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	• Proof of Authority to be signed for all types of non-research contracts.

Step 4.

Submission to 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.

Step 6.

If the uploaded documentation is incorrect or incomplete, Contracts Management shall request in writing that the incomplete or incorrect documentation be rectified by the Instructing party..

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".

Step 8.

If all documents have been received Contracts Management 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)

Step 10.

<u>If contract is approved by Legal Advisor</u>

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

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

<u>If contract is not approved</u>

Provide Instructing Party with reasons and/or legal advice.

If applicable:

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

Step 11.

If contract is in order as per Step 10 above, Contracts Management 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.

GENERAL CHECKIST FOR SUBMISSION OF CONTRACTS VIA THE IMAGENOW CONTRACT MANAGEMENT SYSTEM

	Is this a New Contract / Renewal or Addendum of an existing Contract? State which is applicable. NB: If a Renewal or Addendum of an existing Contract, provide the existing signed Contract.	
	Is this a Main Contract or Subcontract Agreement? NB: If Subcontract Agreement, provide the Main Agreement.	
NO.	**DESCRIPTION**	**YES / NO / N/A**
1.	Have you provided a draft Contract in Word format or a Standard Template Contract?	
2.	Have you provided Proof of authority from Dean/ Head of School/ DVC/ Member of EMC in the format stipulated by Legal Services indicating the cost centre and amounts payable/ received? If **NO**, the Contract must be returned to the Instructing Party/Department to ensure compliance.	
3.	If RESEARCH Contract, have you provided <u>FORM 1</u> duly signed by Principal Investigator, Dean and HOS <u>and</u> College Dean of Research? If **NO**, the Contract must be returned to the Instructing Party/Department to ensure compliance.	
4.	What is the value of the Contract?	
5.	Have you provided other party company documentation if not on the UKZN Supplier database? • Certificate of Incorporation issued by CIPC or its predecessor; • If a partnership, certified copy of partnership agreement; • If a trust, certified copy of trust deed and current letters of authority issued by the relevant Master of the High Court; • If a voluntary association, certified copy of constitution; • Current BBBEE certificate issued by an organisation accredited by South African National Accreditation System (SANAS) or exemption certificate from Accountant; • Current & valid Tax clearance certificate; • VAT registration certificate;	

6.	If other party is an individual, have you provided a certified copy of SA identity document (or foreign passport)?	
7.	Has the Contract been approved by the relevant Executive/ Board of Directors/ Members of the other party? If **YES**, provide resolution. (If **NO**, get a resolution)	
8.	Has the procurement process been complied with? If **NO**, the Contract must be returned to instructing Party/ Department to ensure compliance.	
9.	Have you provided proof of banking account: original letter from banker confirming banking details and good standing of account; not older than 3 months?	
10.	Have you provided proof of insurance: original letter from insurance broker's confirming the type and level of cover (for example, public liability cover in the amount of R 5 million per event etc.)?	
11.	Have you submitted a copy of the quotation/s received indicating amounts payable?	
12.	Have you submitted a copy of proposal/s, project plan/s or application/s applicable?	
13.	Have you submitted a copy of a budget or estimated budget?	
14.	Have you checked the budget availability in the applicable cost Centre?	
15.	Have you submitted or uploaded a copy of any tender documentation including: • Advertisement calling for bids • Bid Document • Bid submission document for successful bidder • Adjudication Report • Resolution of MFST • Contracts from recognized authority e.g. JBCC, PROCSA, etc • Letter of appointment or similar document	
16.	Have you clearly described the deliverables and obligations of the parties to the Contract?	
17.	Does the Contract have a Commencement Date and Termination Date?	
18.	Is there a penalty or breach clause?	
19.	Is there an intellectual property rights clause?	
20.	Have you submitted supporting documentation or Annexures referred to in the Contract?	

By signing this Checklist, I confirm that I have verified all of the abovementioned items and should there be information found to be incorrect, I may be subject to disciplinary action.

Signature: ________________________________

Name in full: ______________________________

Date: _____________________________________

UNIVERSITY OF KWAZULU-NATAL

RESEARCH RELATED FORM

File Ref No:

FORM 1

Name of UKZN Principal Investigator ______________________

Department / School / College ______________________

Name of Dean and HOS ______________________

Title of Project ______________________

____

PROJECT FOCUS AREA______________________

Funder______________________

UNDERTAKING BY PRINCIPAL INVESTIGATOR:

As the Principal Investigator for the above Project, I confirm that I have read the documentation regulating the Project, including the contract, the annexures to the contract and all Project description documents. I confirm that:

- I am willing to undertake the Project on behalf of the University of KwaZulu-Natal;
- I will be able to meet the deliverables for the Project as specified in the contract and supporting documents, within the specified time-frames;
- I will be able to undertake the Project within the agreed budget.

______________________ ______________________

Signature of Principal Investigator Date

UNDERTAKING / APPROVAL OF DEAN AND HEAD OF SCHOOL:

As the Line Manager for the Principal Investigator, I confirm that I have read the documentation regulating the Project, including the contract, the annexures to the contract and all project description documents. I confirm that:

- The Principal Investigator has the necessary approvals to carry out the Project, in terms of the University of KwaZulu-Natal's applicable policies;
- The Principal Investigator has the approval of the Discipline/ School / College (delete as applicable) to carry out the Project within the Discipline / School / College (delete as applicable);
- The Discipline/ School / College has the necessary resources to support the conduct of the Project, as required by the contract, and is willing to make these resources available to the Principal Investigator for the conduct of the Project;
- I am comfortable for this document to be forwarded to the University Dean of Research or DVC Research for approval.

______________________ ______________________

Signature of DEAN and HOS **Date**

______________________ ______________________

SIGNATURE COLLEGE DEAN OF RESEARCH **Date**

1 of 2

UNIVERSITY OF KWAZULU-NATAL
INYUVESI YAKWAZULU-NATALI

FORM 2

(RESEARCH AMENDMENTS, MODIFICATIONS, ADDENDUMS)

Funder Name: ....

Project title: ....

Amendment/Modification/Addendum: ....

Reason for the amendment/modification/addendum: ....

....

....

....

....
Name of Principal Investigator **Signature of Principal Investigator**

....
Date

I hereby approve and I am satisfied with all obligations imposed in the above

....

....
Name of Dean and Head of School ***Signature of Dean and Head of School**

....
Date

*Dean & HOS to check and approve documents before signing this approval

UNIVERSITY OF KWAZULU-NATAL
INYUVESI YAKWAZULU-NATALI

Proof of Authority

Mr Randy Phalad
Contracts Management
Legal Services
Westville campus

Date: __________

Details of Contract:

(PLEASE BRIEFLY DESCRIBE THE PURPOSE, NATURE AND EXTENT OF THE CONTRACT).

____

____

____

____

I am aware of the nature and extent of the Contract. I confirm that all University procedures, regulations and policies (for example, the Procurement Policy, Research Policy etc.) which are applicable to this Contract have been complied with.

I confirm that any funds received and /or paid will be allocated to the cost centre number ___________ (Specify) and I am satisfied with all obligations imposed in the Contract.

I confirm that where funds need to be paid out, the Cost Centre does contain sufficient funds.

I undertake to take full responsibility for the management of this Contract.

By signing this Proof of Authority, I confirm that I have verified all of the abovementioned statements.

Authorised Signature: ________________________

Name in full: ______________________________

Designation: ______________________________