

PURPOSE: The Legal Services must, in accordance with applicable good governance principles and the Delegation of Authority Matrix vet contracts drafted by CPUT departments, faculties, business entities, contract owners or contracts officer.

CONTRACTS include but not limited to non-research contracts (consultancy agreement, business partnership agreement; joint venture agreement); general memorandum of understanding; staff and student exchange programmes; service level agreements; memorandum of agreement; sponsorship agreements; building/ construction project contracts; - lease agreements; and other legal agreements.

Please Note that all research related contracts are dealt with by the Technology Transfer Office (TTO) and must not be submitted to Legal Services for vetting.

CONTRACT OWNER/ END USER: is the duly authorised person within the relevant department/ faculty or business entity of CPUT responsible for obtaining the necessary approval to initiate, negotiate and draft (including any amendment * *see process under legal services*) the relevant contract/ agreement and/ or addendum in accordance with applicable CPUT prescripts (this includes CPUT's financial, operational and business requirements). The Contract owner/ End User must ensure that the final contract/ agreement and/ or addendum is signed by the duly authorised person in accordance with level of authority contemplated in the Delegation of Authority Matrix.

VETTING PROCESS BY LEGAL SERVICES: The Legal Adviser assigned to vet the contract /agreement must assess whether the contract / agreement submitted complies with relevant legal prescripts, does not pose any risk to the University and is valid and enforceable. The Legal Adviser will consult with the contract owner/ end user (or contracts officer in case of contracts emanating from procurement process) and where necessary, propose such amendments to ensure that the contract / agreement is enforceable and valid. The contract/agreement will be returned to the contract owner/ end user / contracts officer to implement the suggested amendments and where necessary, re-negotiate the terms*.

PROCEDURE:

- a) The contract owner/ end user (or contracts officer in case of contracts emanating from procurement process) must submit to the Legal Services the following:
 - i) Duly completed form (LSC 1 Form);
 - ii) The relevant contract/agreement (in electronic word format to assist the Legal Adviser to provide comments and/ or proposed amendments by way of track changes)

- that properly incorporates, in writing, the terms of agreement as negotiated between the contracting parties;
- iii) All annexures and/ or schedules to the contract /agreement (** where applicable include the principal contract /agreement*);
 - iv) Proof of authority (from the Executive Management Member / Senior Director /Dean) to negotiate and enter into the envisaged contract/agreement on behalf of CPUT;
 - v) Copy of the necessary Mancom resolution (where it is applicable) which approves the contract.

Please Note that the vetting process will only commence upon receipt of the aforementioned documents (including the duly completed LSC1 form).

- b) The Legal Adviser assigned to vet the contract/ agreement will -
 - i) scrutinise the contract/ agreement to ensure that the contract is valid and complies with the relevant legal prescripts and does not pose any risk to the University and is enforceable;
 - ii) Incorporate his or her comments and/ or proposed amendments by way of track changes into the draft contract /agreement;
 - iii) Where considered necessary, consult with the contract owner/ end user (and the contracts officer in case of contracts/ agreements emanating from Procurement process);
 - iv) Return the duly vetted contract/ agreement with inputs to the contract owner/ end user (contracts officer where relevant) to make the necessary amendments as proposed by the Legal Adviser or to re-negotiate the terms of the contract/agreement in accordance with the recommendations made by the Legal Adviser;
 - v) In the event that there are re-negotiation requirements, the contract owner/ end user (contracts officer where relevant) must present the contract/agreement to the Legal Adviser for further vetting; and
 - vi) Inform the contract owner/ end user (contracts officer where relevant) that she/he is satisfied as to the incorporation of amendments (in the case where further amendments were required) and attach the completed LSC2 form where-after the said contract/agreement can be presented to the duly authorised CPUT official for signature.

- c) The Contract owner (end user) must -
 - i) Re-negotiate the contract/ agreement with the 'other party' in accordance with the proposed changes;
 - ii) Prepare and submit LSC 1 and LSC2 forms, together with the final contract/ agreement for signature to be signed by the duly authorised CPUT official as per the Delegation of Authority Matrix;
 - iii) Ensure that the contract/ agreement is initialled and signed by the duly authorised representative of the other party as well as the witnesses; and
 - iv) Submit the original duly signed contract/agreement to the Manager: Records & Archives.

(Please be advised that the procedure above applies to any amendment/ variation to an existing contract/ agreement)

The LS Contract Form [LSC 1] must be completed, signed and submitted with the draft contract/agreement or any addendum to an existing contract /agreement to LegalServices@cput.ac.za and dingiles@cput.ac.za .

CONTRACT OWNER LIST

The Contract owner / End user must complete the contract owner list (LSC 1 form) and ensure that the Executive Management Member/Senior Director / Dean in accordance with level of authority contemplated in the Delegation of Authority Matrix has signed the necessary approval to initiate, negotiate, draft and conclude (including any amendment * *see process under legal services*) the relevant contract/agreement in accordance with applicable CPUT prescripts (this includes CPUT’s financial, operational and business requirements)

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| CONTRACT NAME: |
| TYPE OF CONTRACT: Choose an item. |
| If other legal agreement is selected, please specify: |

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| 1. DURATION OF CONTRACT | |
| 1.1 Commencement date: | Click or tap to enter a date. |
| 1.2 Termination date: | Click or tap to enter a date. |
| 1.3 Option to renew: | |
| 2. MONETARY VALUE OF CONTRACT | |
| 2.1 Amount: | |
| 2.2 Escalation per annum: | |
| 3. CONTRACT OWNER | |
| 3.1 Full Names: | |
| 3.2 Department/Faculty/Business Entity: | |
| 3.3 Contact Telephone number: | |
| 3.4 Email Address: | |
| 4. APPROVAL (per Delegation Matrix) | |
| 4.1 Full Names: | |
| 4.2 Department/Faculty/Business Entity: | |
| 4.3 Contact Telephone number: | |
| 4.4 Email Address: | |
| 5. PARTICULARS OF OTHER / EXTERNAL CONTRACTING PARTY: | |
| 5.1 Full Names: | |
| 5.2 Department/Faculty/Business Entity: | |
| 5.3 Contact Telephone number: | |
| 5.4 Email Address: | |

INFORMATION RELEVANT TO THE CONTRACT / AGREEMENT (*to be completed by the Contract Owner)

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LEGAL PRIVILEGE NOTICE:

Please note that any comments and legal advice provided by the CPUT Legal Adviser as part of the vetting process is based in its totality upon information provided by the Contract owner/ End user and shall not be shared, disclosed and forwarded to the other contracting party. The aforementioned comments and legal advice are privileged communication and intended only for CPUT internal use and /or consideration by the duly authorised CPUT official/ staff member.

INFORMATION RELEVANT TO CONTRACT/ AGREEMENT (*to be completed by contract owner/ end user)

SIGNATURES

| Contract Owner /End-user | |
|--------------------------|-------------------------------|
| Full Names: | |
| Signature: | |
| Date: | Click or tap to enter a date. |

APPROVAL

| Executive Management Member / Senior Director/ Dean | |
|---|-------------------------------|
| Full Names: | |
| Signature: | |
| Date: | Click or tap to enter a date. |

NB: Submit the completed and signed LSC1 form with the draft contract/agreement or any addendum to an existing contract /agreement to LegalServices@cput.ac.za and dingiles@cput.ac.za .