

# Contract Management Framework

# Why have a contract management framework?

- Provides a place to go for people to understand what is expected when managing Curtin's rights and obligations
- Provides a structure for managing Curtin's contracts
- Suggests a pathway for innovation and new business models

# What is a Contract?

A contract is:

any agreement which **generates benefits or imposes obligations on Curtin** which is legally enforceable and has been mutually agreed to by Curtin and another party ...

*Contracts may also be referred to as agreements and, for the purpose of Curtin's policies and procedures, also include Memoranda of Understanding. Other parties can be organisations or individuals.*

*Contracts can be:*

- **Fully-executed** – where a contract has been signed by all parties to the contract; or
- **Electronic** – where the contract is put in place by electronic means, such as checking acceptance online of terms and conditions prior to downloading; or
- **Informal** - where correspondence or discussions create a reasonable expectation of a commitment by Curtin

This framework is intended to cover all contracts under this definition.

# The Big Picture

Great contract management is ...  
a thoughtful principles-based lifecycle process



## **Planning:**

What are your business objectives?  
How might we achieve them?  
What are the risks?

## **Negotiation:**

The process of agreeing the obligations,  
price, reporting, problem resolution etc

## **Execution:**

Finalising the agreement and  
committing.

## **Management:**

Understanding and fulfilling obligations  
and monitoring performance.

## **Governance:**

Oversight of the contract and the  
relationship, ongoing understanding of  
compliance and risk

# Principles of great contract management (1)

1. Contracts are managed consistently with Curtin's [Values](#).
2. A risk-based approach should be applied consistent with Curtin's [Risk Management Framework](#).
3. There must be a good understanding of the environment in which the contract is being managed, including, where appropriate, stakeholder management needs.
4. Rights and obligations should be proactively managed based on the specific right or obligation and the risks. In most cases the management approach should be documented.
5. All contracts must have a specified contract manager, generally the relevant local expert.
6. Contract performance requirements should be clearly documented and understood.
7. Category Facilitators should be consulted in the first instance who will assess the need for direct [Legal Services](#) involvement\*. If there is no Category Facilitator then direct consultation with Legal Services is expected.

\* note: many areas, including Faculties, have considerable experience in the development of certain types of contracts and the relevant legal terms etc, in which case the need to consult a Category Facilitator should be considered as appropriate.

# Principles of great contract management (2)

9. Contracts may only be entered into by authorised persons as specified in Curtin's [Register of Delegations](#).
10. All contracts must be recorded in one of the [Contracts and Agreements Register, Research management system \(SCRIPT\)](#) or [HR Information System](#) (Alesco).
11. Matters to be considered in developing a contract should include:

<b>Environmental sustainability</b>	<b>Disability access</b>
<b>Health and Safety</b>	<b>An appropriate contract term</b>
<b>Ethics and Social justice considerations</b>	<b>Fair dealing including process transparency</b>
<b>National security (eg DTCA, sanctions)</b>	<b>Balancing agility with risk</b>

12. You must follow any category-specific processes required by Category Facilitators (see below).
13. Specific exclusivity rights and obligations are expected to be rare and need to be appropriately and widely reviewed.

# Contracts Categories and Facilitators

**Got questions or looking for help to resolve matters? Start with the Category Facilitator**

Contract Category Facilitators are primary focal points for expertise and all matters relating their respective category. Facilitators assist with strategy and queries relating to contracts with that category and provide procedures, guidelines and templates as appropriate. They are generally not the owners of all contracts in the specific category. The structure of the policies and support for each category is different depending on the nature of the category.

Category (Based on the type of right or obligation, not the type of agreement)	Relevant Executive Manager	Category Facilitator	Engagement approach
Strategic Alliances/ new business models / long term business partnerships	Provost	Provost / Associate Provost	Each approach should be considered with the Provost.
Research and Innovation related contracts (including Intellectual Property)	DVC Research	Office of Research	All Research and Commercialisation contracts are to be referred to the <a href="#">Office of Research</a> .
Employment Related (ie for individuals to work as an employee of Curtin)	Chief Operating Officer	Human Resources	<a href="#">Human Resources</a> should be engaged in all HR related contract matters, including, for example, superannuation.
Procurement/ Purchasing of all goods or services	Chief Financial Officer	Strategic Procurement	<a href="#">Procurement polices and procedures</a> define the governance and engagement processes to facilitate all procurement and purchasing. (Excluding scholarships and major capital works)
International Cooperation and Teaching	DVC International	Curtin International	Contracts should align with the Collaborative Education Service (International) policy and procedures from <a href="#">International Office</a> .
Domestic teaching and articulation including work integrated learning	DVC Academic	Office of Learning & Teaching	Contracts should align with relevant <a href="#">Learning and Teaching procedures</a> .
Donation / Gift Related	VP Corporate Relations	Alumni & Advancement	<a href="#">The Advancement team</a> should be engaged in all donation-related contract matters.
Loans, financing agreements, sale or loan of material assets	Chief Financial Officer	Financial Services	All such contracts should be managed in conjunction with <a href="#">Financial Services</a> .
Other categories	Chief Operating Officer	None	Includes Campus usage for non-direct Curtin benefit and major capital works.

# Contract Categories: example contract types

Category	What's included
<b>Strategic Alliances/ new business models / long term business partnerships</b>	Strategically significant multi-dimensional agreements with 3 <sup>rd</sup> parties. May include a combination of categories.
<b>Research related contracts (including Intellectual Property)</b> Contracts where the rights or obligations in the contract relate to the pursuit of Research at Curtin	Includes: Collaborative Research/ Industry agreements, Clinical Trials, CRC arrangements, all Australian Competitive Grants, Subscription & Shareholder agreements, Assignment and/or Licensing of IP (including material transfer agreements, MTA) , State & Commonwealth research grants/funding agreements, research related sub-contracts, Research Services agreements, Confidentiality/non-disclosure agreements, Deeds of Indemnity, agreements for higher degree by research (HRD) scholarships, joint supervision and joint doctoral programs, international research funding and collaboration agreements, research Memorandums of Understanding.
<b>Employment Related</b> (ie for individuals to work as an employee of Curtin)	Includes: Any contract for employment, superannuation, Corporate Health providers, Structured Training and Employment.
<b>Procurement / Purchasing.</b> All good or services purchase contracts from organisations outside of Curtin. The contract management for use contracts can widely distributed, procurement processes should be followed	Includes: Laboratory Consumables, Medical Consumables, Office Stationery, General Consumables, Computer Supplies, Chemicals and Gasses Accommodation, Document Storage & Retention, Medical Equipment, Printers / MFD's, Maintenance, Tools, Subscriptions & Memberships Waste Management, AV Equipment, Books, Journals, Periodicals & Publications, Class Materials, Cleaning or Cleaning Supplies, Computers, Airfares, Administration, Conferences & Exhibitions, Electricity, Equipment Lease, Fire Services/Equipment, Fleet (Other), Fleet Repairs & Maintenance, Freight, Fuel & Oil, Furniture, Gas, Handbooks & Brochures, Insurance, IT Service & Maintenance, Laboratory Equipment, Laundry, Materials, OH&S Services, Postage & Courier, Recruitment, Relocation Costs, R&M – HVAC, Security, Travel Management Fees, Uniform/Protective Clothing, Water, Software, Telecommunications & Internet, IT Other, Advertising, Building Management, event Management, Consultants, Contract Staff, Contractors (Facilities), Electrical Services, Learning & Development, IT Infrastructure, Legal advice, Medical Consultants, Plumbing, Professional Services, Consultants – Research, Consultants – Scientific, Consultants – Teaching, counselling services.



# Contract Categories: example contract types

Category	What's included
<b>International Cooperation and Teaching</b>	Includes: Student Articulation, Staff & Student Exchange, MOU, Offshore tuition agreements
<b>Domestic teaching and articulation</b> includes work integrated learning	Could include: Sponsorship agreements, Domestic MOUs, Clinical Practice, Funding (Commonwealth & State agencies), Exchange of Letters, Broadcasting, Access, work integrated learning.
<b>Donation / Gift Related</b>	Could include: Donations or Gifts (typically funds without specific obligations), Gifts of assets, Fund Raising campaigns.
<b>Loans, financing agreements, sale or loan of material assets</b>	Could include: Contracts for which the primary purpose is to fund a business activity in ways other than direct payment, loan of assets, lease arrangements include fleet leasing, Banking arrangements, Debt Collection, short term rental agreements for the rental rather than Purchase of an item or service. Sales of material assets.
<b>Consultancy</b> (Office of Research)	Includes: Agreements for the provision of services by Curtin that are not research and are subject to the remit of the Consultancy Procedure; non-research tender applications with embedded agreements.
<b>Campus usage for non-direct Curtin benefit</b> (Properties, Facilities & Development)	Could include: 3 <sup>rd</sup> party provider of service on campus that involve the payment of rent or the provision of space on campus at either an commercial or non-commercial rent, Renting of Curtin controlled property asset (eg License to Occupy Premises, Property Rental), agreement with 3 <sup>rd</sup> parties for Curtin to occupy non-campus property.

# Category Facilitator responsibilities include:

- Interpreting and applying the strategy of the University relevant to category contract policy and procedures.
- Being the recognised expert for the category.
- Providing guidance and expert advice to University stakeholders as required.
- Maintaining standard tools and templates as appropriate for efficient category contract management.
- Manage any category-specific policies and procedures.
- Ensure that the community has appropriate category training and development.
- Provide for category reporting as necessary.

# Contract Manager responsibilities include:

- Meeting policy and procedure requirements.
- Managing contract rights and obligations for the expected business outcomes.
- Being the recognised expert for the contract and field.
- Providing guidance and expert advice on the contract to University stakeholders as required.
- Maintaining records for efficient and effective contract management.
- Providing training and development relevant to the contract where appropriate.
- Provide for contract reporting as necessary.

# Core documentation for all contracts

## ***Overarching principles:***

- [Strategic Plan](#)
- [Curtin Values](#)
- [Code of Conduct](#)

## ***Who can make a commitment for the University?***

- [Delegations Policy](#)
- [Delegations Register](#)

## ***General Guidance on Managing Risk:***

- [Contract Risk Toolkit](#)

## ***Category Specific Guidance:***

- [Strategic Procurement](#)
- [Procurement Procedures](#)
- [Disability Access Inclusion Plan](#)
- [Research](#)
- [Curtin International](#)

## ***Record keeping:***

- [Contracts and Agreement Registration Procedures](#)
- [Contracts and Agreement Register](#)