

Variation of Agreement Process (including extensions of agreements)

STEP 1: Procurement process

If the contract variation is going to increase the amount UNE will be spending under the original contract:

- All purchasing must be in accordance with the UNE Procurement Policy and Procedures <https://policies.une.edu.au/document/view-current.php?id=75>
- If the total value of the contract + variation (inc GST) will be between \$10,000 and \$250,000, you must apply to Procurement for an exemption through ServiceNow <https://www.une.edu.au/staff-current/staff-services/financial-services/procurement/forms-and-user-guides>
- If the total value of the contract + variation (inc GST) will be over \$250,000 contact procurement@une.edu.au for guidance on required internal UNE approvals
- UNE must report on the risk of modern slavery happening in supply chains for all goods and services. Contact procurement@une.edu.au for guidance on what you need to document

STEP 2: Variation document

- Contact UNE Legal Services who will draft the relevant variation legal@une.edu.au
- Legal Services will draft the variation document and send it to you for review. You will be responsible for sending it to the other party for their review
- If the other party has provided a variation document, you will send this to Legal Services at Step 7

STEP 3: Commercial Activity Rule

- If the contract and/or variation is considered a Commercial Activity under section 3(5)(b) of the UNE Commercial Activity Rule <https://policies.une.edu.au/document/view-current.php?id=71> you must follow the process in the Rule
- If you have not already done so for the original contract, you will need to complete a business case for the purchase (available as a template in Word ◀ Kapish ◀ New from Templates ◀ Project Initiations ◀ Concept Brief Template) and have it approved by your Faculty or Director.

STEP 4: Working with children or overseas entity?

- If the variation adds a subcontractor or other party to the contract who may be working with children or vulnerable people when providing the goods or services, contact UNE Legal Services for advice.
- If the variation adds a subcontractor or other party who is an overseas entity you will need to complete the Foreign Interference Checklist (available from Office of DVCR dvcr@une.edu.au and return it to Office of DVCR, if you have not already done so

STEP 5: Privacy Assessment

- If the variation requires the other person to have access to any personal data held by UNE, a Privacy Assessment will need to be carried out by the UNE Privacy Officer unless it was already done so for the original contract. Contact the UNE Privacy Officer for advice privacy@une.edu.au

STEP 6: Submit documents to the Faculty or Business Area Manager

- If you are happy with the variation document, fill out and submit the following documents to your Faculty office or operational business area manager:
 - Contract Approval Form (available on the UNE Legal Services website)
 - The variation document
 - Procurement exemption
 - Foreign Interference Checklist (if appropriate)
 - Business case (if a commercial activity under the *UNE Commercial Activity Rule*)
- The Faculty office will arrange for the Dean's signature, or for operational areas the business manager will arrange for the Director's signature on the Contract Approval Form.

**STEP 7:
Submit
documents to
UNE Legal
Services**

- Put the documentation from Step 6 into UNE's Contract Management System (CMS) or if you do not have access to CMS, email the documentation together in 1 email to UNE Legal Services legal@une.edu.au
- UNE Legal Services will:
 - Put the variation document into UNE's Contract Management System (CMS) if received via email and UNE's record management system (TRIM)
 - Review the variation and provide advice, which may include a requirement for rework of the variation if changed by the other party or by you
 - If appropriate, approve the variation for execution by UNE
 - Arrange for execution of the variation by the other party and the relevant UNE delegate
 - Provide a copy of the fully executed variation to you and the supplier, and will notify UNE Finance

**STEP 8:
Post
execution**

- The Faculty or Business Area will raise a purchase order and process invoices

**STEP 9:
Contract
management**

- You are responsible for managing the contract (as varied) to its completion
- If the contract needs to be further varied or extended, contact UNE Legal Services for assistance. Contracts cannot be extended or varied by you. The relevant UNE delegate will need to approve any variation.