

TENDERS FOR CONSULTANCIES

The advice of Legal Services (LS) on all contractual terms and conditions must be obtained prior to the University committing itself to a particular project.

Tender conditions must be reviewed by LS before the University lodges a tender. The University is not able to negotiate amendments to a contract if a Faculty, School or Department has accepted particular contractual terms as part of its tender.

In particular, it is important for LS to review any indemnity provisions in a contract to ensure they are acceptable. It is also necessary to ensure that the University has insurance cover for any liability accepted under the contract. The University's existing insurance policies do not generally cover contractual liability unless that liability has been specifically accepted by our insurers.

In addition, in some contexts, the contractual provisions relating to ownership of intellectual property may be unacceptable as they may prevent the University using materials developed under the contract for necessary teaching, research and educational purposes.

Trade practices, goods and services tax and other issues may also arise.

University Staff must therefore refer tender conditions and contractual terms to LS prior to the University lodging a tender to enable LS to negotiate any necessary amendments to the contractual arrangements.

Please contact George Straulig, Legal Services on Bundoora extn. 2495 if you wish to discuss this matter further or if you require any assistance.

This article provides general information only. It is not a complete or definitive statement of the law on the subject matter. Formal legal advice should be sought in relation to particular matters.