What is involved in Contracting Lifecycle 4

What is the Purpose of this Phase?

When the sponsor is willing to fund a project, this phase commences through the standard contracting process and procedure.

Once the contract has been executed the project needs to be established in Research Master and the finance system. Contracting may also involve the establishment of subcontracts for consultants or collaborators.

This phase also sees the approval of the Project Controls Plan (for internal use) which is the Project Proposal (Part A), expanded further in the Project Controls Plan (Part B).

The process of contracting and getting ready for delivery go in parallel:

While UQ has preferred contracting positions, the purpose of the initial activities in the Contracting phase is to ensure that the terms will be acceptable to both the sponsor and UQ. A process of negotiation may be required to ensure that the sponsor understands that the researchers have requirements e.g. to publish from the research, and that there is alignment with UQ policies e.g. avoiding contracts that include uncapped liability clauses. For details on specific roles and responsibilities by activity please refer to the Project Management Framework Overview.

What is considered to be a ‘Great’ Contracting Phase?

- All required pre-contracting documentation is accurate and sent to the Research Partnerships Manager with a reasonable timeframe for the Research Partnerships Manager and SMI Legal to action.
- Lead Chief Investigator has considered their preferred contracting outcomes in terms of IP and intention to publish and is across the contractual risks and compliance associated with the project.
- Lead Chief Investigator has complied with UQ and Institute policy and procedures, including applying for all required approvals regarding human and animal ethics, biosafety, and export controls and sanctions.
- Time spent by Lead Chief Investigator and Portfolio support team on the contracting process is commensurate with the complexity of the project.
- The schedule and Project Management Plan are finalised and approved ready for work to commence once contract is signed and GRL issued.
What are the Key Activities?

1. **Read the sponsor contract (if one exists) or arrange to start negotiations with a UQ contract.**

   If it is appropriate to use one of the [UQ standard research agreements](#) templates for your project, download the template from the intranet and fill in the project specific details. If the Sponsor has dictated that their contract conditions should be used for the project then read through the contract and note in the Research Legal Instruction Form any terms or issues that you would consider needs further discussion. The RPM and SMI Legal teams can then advise and assist with negotiations.

2. **Refer to the Contract Checklist to determine the appropriate contract pathway.**

   Depending on the type of project there may be a different pathway. There is a Contract Checklist that is available for reference. The Portfolio Support Office is also a good reference point or SMI Legal to ensure you focus on the right elements. There are different rules for research projects or consultancy projects.

3. **Complete the Funding Application Coversheet (FAC if a research project)**

   It is a requirement of UQ policy that a [Funding Application Coversheet](#) is completed for your research project. These forms are submitted to UQR&I so that they can open your project in Research Master. The information is used for grant management and statistical reporting. The FAC should be authorised by the Centre Director.

4. **Complete Legal Instruction Form (either Research Legal or UQ Legal Online)**

   The Research Partnerships Manager (RPM), SMI Legal and the Research Management Office require the [Research Legal Instruction Form](#) to be completed with legal instructions so that they can understand your intent for the project and contracting requirements and can advise you and attempt to negotiate terms that reflect your desired outcomes. This is for research projects only.

   If the project is consultancy then a UQ Legal Online system entry is completed.

5. **Send required research contract documentation to Research Partnerships Manager (RPM) for review (unless it is a template agreement with no modifications then, submit to SMI Legal).**

   The RPM plays a key role in identifying any commercial issues that may relate to your project and assists in the smooth navigation through to the signing process. The Lead Chief Investigator should send the following documentation to the RPM mailbox ([rpm@smi.uq.edu.au](mailto:rpm@smi.uq.edu.au)):
   - UQ Budget Spreadsheet
   - Funding Application Coversheet
   - Project Proposal
   - Copy of ethics approval (if required)
   - Research Legal Instruction sheet

   The RPM will check for discrepancies in the documentation and identify any initial issues, they will also seek further information from you if needed to complete the review. Once the RPM review has been completed the RPM will forward on your matter to SMI legal. SMI Legal can deal with template agreements with no modifications.

6. **Send required consultancy contract documentation to UQ Legal Office for Review (unless it is a template agreement with no modifications then, submit to SMI Legal).**

   Getting guidance from the Portfolio Support Office will ensure a smoother transition of consultancy contract documentation. UQ Legal Office will check for discrepancies and ensure a contract is generated for execution.

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*Guideline Project Lifecycle Phase 4_Final_v1*
7. **Ensure all approvals have been obtained including ethical clearance, biosafety and export controls**

Prior to finalisation of the information into the final Proposal, it is important that all approvals have been obtained to cover specifics of the project. These might include ethical clearance, biosafety, explosive use, export controls etc. There are standard UQ processes for each of these areas that need to be adhered to and approval received in advance. Talk to the Research Partnerships Manager or follow the links in the Research Legal Instruction sheet for more information.

8. **Create the UQ Data Management Plan and UQ Procurement Plan (if required)**

If your project requires a [Data Management Plan](#) or [Procurement plan](#) under UQ policy follow the procedures for the creation of these documents on the UQ website ([insert links](#)).

9. **Negotiate and finalise contract in consultation with SMI Legal and the Sponsor.**

Once SMI legal receives the matter they will open a legal file and assign a lawyer to your matter. The lawyer will conduct a review of the contract in the context of your and the RPM's instructions contained in the Legal Instruction Form. The lawyer will identify any potentially problematic clauses, or other legal issues and will seek further instruction from you if needed. If required the lawyer will also work with you to negotiate the contract.

10. **Apply for pre-Grant Record Letter (GRL) if delays are anticipated with contract execution (if research project and only in exceptional circumstances)**

A Pre-GRL can be issued if the contract has been agreed in principle but there are delays in the signing of the document. Consult the Research Partnerships Manager and Program Leader to discuss whether applying for a Pre-GRL is appropriate for your project. If a decision to apply for a Pre-GRL is made the Finance Team can assist with your application. The Institute Director approves a GRL.

11. **Approve pre-GRL for research projects (if applicable)**

The relevant delegate needs to approve the pre-GRL. This is normally the Institute Director or Centre Director depending on the risk profile of the project. This means that a project cost code can be established.

12. **Arrange execution of the contract and send to UQR&I**

Once the terms for the contract have been agreed between the Sponsor and UQ, the contract will need to be signed by both parties. SMI Legal will liaise with the Lead CI on his or her preferred approach to arranging for signing by the other party. Often the Lead CI's preference is to handle all communication with the other party, including provision of a final contract version for signing, however SMI Legal is available to handle this process on Lead CI's instructions. SMI Legal will handle the referral of the final contract for signing to the authorised UQ signatory. SMI Legal will provide a copy of the fully executed contract and related documents to the Lead Chief Investigator and to UQR&I if required.

13. **Update Risk Register in the Project Control Log with contractual risk.**

During the contracting phase new risks may be identified. Under certain circumstances UQ policy triggers a formal risk assessment process to be completed before non-standard contract terms can be agreed to. Risks should be captured in the [Project Control Log](#) so that they can be managed and monitored on a regular basis. Risk Management is an activity that occurs throughout the life of the project and the Project Log is the place to store this information. It is also used to assist the creation of project status reports through the Project Delivery Phase.
14. Formal confirmation of resources and/or recruitment of team members and funding source

Once the contract has been approved the project team can be formally confirmed and recruitment of additional required team members can commence. The Lead Chief Investigator will be confirmed as the Project Manager. Resource plans at the program level should be updated to reflect the changed resource utilisation. Human Resources can assist with any formal recruitment processes. Understanding the funding source of resources is particularly important. Ideally all project resources have been costed as part of the restricted project budget rather than unsecured funding lines.

15. Final changes to Part B Project Controls Plan and the Schedule, detail is expanded on schedule, work packages, staging, internal controls prior to commencing work

Alongside formal contracting we need to get ready for the start of the Project Delivery Stage so this is the time to get the team to set up the Project Control Plan that will guide the project over the coming delivery period. For larger projects over a number of years you might use stage plans and create a stage plan to cover the first period only.

By the end of the Contracting Phase it is expected that everything will be in place to hit the ground running in the Delivery Phase, as carrying the project planning over to the Delivery Phase may affect the timeline of the first milestone delivery. Part A Project Proposal and Part B Project Controls Plan make up the Project Management Plan.

A Stage Plan uses the milestones and the schedule that was completed in the previous phases and breaks the work for the stage into granular detail, this is usually used for larger projects that run over an extended period of time. For example for a four year project you might do the following:

<table>
<thead>
<tr>
<th>Delivery Phase (Project Plan – Part A and B covering a 4 year project at milestone level)</th>
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</thead>
<tbody>
<tr>
<td>Stage 1 Plan and Schedule (Year 1)</td>
</tr>
<tr>
<td>Delivery Milestones in this Stage with detailed activities.</td>
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<td></td>
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</tbody>
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In the example above you would complete only the Stage Plan and Schedule for Year 1 by the end of Contracting ready to start. Towards the end of Year 1 you would create the Stage Plan and Schedule for Year 2 and so on.

16. For research projects a GRL issued by UQR&I, post Institute Director approval; project number and financial account created by UQ Contracts and Grants

Once the GRL has been issued the project can officially begin and the project account can begin to incur costs. The GRL, project number and financial account are key pieces of administrative infrastructure that need to be in place prior to the project commencing.

17. For consultancy projects post project contract execution - project number and financial account arranged by SMI Finance.

18. Update the SMI Project Register with status (progressive)

This is a progressive activity as the project moves through the various phases the SMI Project Register should be updated with relevant details. It is the responsibility of the Lead Chief Investigator to let the Portfolio Support Office know of any updates that are required.
What tools and templates might I use?

The Contracting Guideline is available on the SMI intranet.

Mandatory:
- UQ Research Budget Spreadsheet
- UQ Funding Application Coversheet
- Contract terms and conditions (sponsor or UQ's)
- Research Legal Instruction Form for RPM/SMI Legal review
- Grant Record Letter
- Project Management Plan (combined - Part A Project Proposal and Part B Project Controls Plan)
- Data Management plan
- UQ Procurement Plan
- Update SMI Project Register

Optional:
- UQ Request for Variation of Indirect Cost Recovery Form (if reduction or waiver is required)
- Stage Plan