

Memorandum of Understanding

The purpose of this Memorandum of Understanding is to set forth the scope of work and responsibilities of the Approved Authority and the Independent Consultant named herein, should this application for funding be successful under capital funding programs administered by the Victorian Independent Schools BGA Ltd (VISBGA).

BACKGROUND

Schools participating in capital funding programs administered by VISBGA must appoint an Independent Consultant to supervise and oversee the implementation of the approved project. The Independent Consultant should be a person who:

- a) is a Victorian Registered Building Practitioner or Registered Architect
- b) has the appropriate skills, experience and qualifications to oversee the project
- c) is not an employee or officer of the Approved Authority or the School
- d) is not an employee or officer of any contractors or other persons carrying out work on the construction of the project
- e) has an acceptable level of Professional Indemnity and Public Liability Insurance, whether as an employing firm or as a self-employed individual. As a guide, all consultants should carry at least \$5 million Professional Indemnity Insurance and \$20 million Public Liability.

THE APPROVED AUTHORITY

The Approved Authority has previously entered into a legally binding contract with VISBGA (*VISBGA Participation Agreement*), agreeing to comply with the processes and procedures of VISBGA, including but not limited to:

- a) entering into written contracts, based on the Australian Standards Suite of Contracts, for the engagement of all contractors and/or consultants who are to carry out substantial parts of the project.
- b) entering into a written contract with the Independent Consultant prior to the tender process, which must:
 - i. clearly state the responsibilities of the parties to the contract; and
 - ii. include the condition that the Independent Consultant will ensure that the terms and conditions of all contracts with project contractors and consultants are complied with.
- c) ensuring that the Independent Consultant meets the requirements of the role, as stipulated by VISBGA and included above.
- d) contacting VISBGA prior to any decision to
 - i. dismiss the Independent Consultant, or
 - ii. make any alterations to the details of the approved project

THE INDEPENDENT CONSULTANT

The Independent Consultant will be formally engaged by the Approved Authority to supervise and oversee the implementation of the approved project. In accepting the role, the Independent Consultant is declaring that he or she meets the requirements of the role, as stipulated by the VISBGA and included above.

If this application is successful, the Independent Consultant will be required to certify that he or she understands the conditions upon which the project will be funded and has sighted a copy of the VISBGA Participation Agreement.

The parties acknowledge that the Independent Consultant shall be responsible for undertaking the following scope of work:

- Complete and endorse VISBGA documentation as required
- Prepare tender documentation
- Manage the selection of appropriate tenders in consultation with the Approved Authority and/or School
- Ensure that the appropriate Australian Standard contracts are executed between the school and contractors and/or consultants, and that the terms and conditions of those contracts are complied with
- Collate the project construction requirements including budget, timelines and logical progression
- Identify evolving constraints or conditions that will or may impact on project delivery
- Certify all claims for payment by contractors and consultants
- Prepare and endorse Monthly Reports to be submitted to VISBGA
- Review, seek approval for, endorse and report on project variations
- Manage dispute resolution and contract defaults
- Review and manage the quality standards required from contractors
- Identify and manage all project risks
- Advise on government and statutory approvals
- Manage project completion and hand-over process
- Provide an executed statement of project completion and final project cost within twelve weeks of the completion of the project.

This document is a memorandum of understanding and is not intended to create binding or legal obligations on either party.

It is expected that a legally binding agreement will be entered into by the parties at a point in time relevant to the Independent Consultant commencing his or her role in accordance with the scope of work set forth in this Memorandum of Understanding.

This Memorandum of Understanding is made between the parties identified below:

APPROVED AUTHORITY / SCHOOL

[Legal Name]

[Address]

Signed for and on behalf of the **Approved Authority / School:**

Signature

Date:

Name

Position

PROPOSED INDEPENDENT CONSULTANT

[Name]

[Company]

[Address]

Signed:

Signature

Date:

Qualification/Reg No.