

INSTRUCTIONS FOR PROCESSING AN AMENDMENT TO AN INDEPENDENT CONTRACTOR AGREEMENT

Criteria for processing an Amendment:

- An Amendment must be processed PRIOR to the end date of the existing Agreement. If past the original end date of the contract, a new contract must be established.
- An Amendment cannot be used to extend or “roll over” a contract. In other words, the work stipulated in the contract must be complete by the end date of the existing contract. If you wish to retain the services of the contractor for an additional year (for example), a new contract must be established. End dates may be extended in some circumstances, ie where additional work has been assigned and more time is needed to complete the project. In most cases the dollar value of the contract will change as well.
- Every contract or amendment to a contract must have “consideration”. Consideration may be defined as “the price each side pays for the other side’s promise.” The rules of legal consideration require that for every new promise or forbearance, there must be new consideration to support it. Therefore, if an Amendment is for additional work, the new consideration should be for additional money, less work in consideration for less money. If the only change is an extension of time, by mutual agreement, then a new Schedule A and Schedule D must accompany the Contract Amendment form.

Process for completing an Amendment:

- 1.) Complete a Contract Amendment form (CAF) for Amendments. All areas must be completed in full, but only answer the questions that are applicable for your particular amendment. Note: the dollar amount is the original amount PLUS the amount being added.
- 2.) Complete a Schedule D (Amending Agreement). Stroke out the statements that are not applicable. The date must be prior to the end date of the original contract.
- 3.) Complete any required Schedules. ***The Schedules that you are producing REPLACE the original Schedules in the contract.** Therefore, all original information must be re-stated on the new Schedule, plus the new information. The dollar amount will be the new TOTAL amount (original amount plus new amount). Keep the rules of “consideration” in mind when completing the Schedules. In almost all cases, you will need to complete a Schedule A and B, unless you are only changing the end date. If you did not keep a copy of the original contract for reference, please contact Purchasing Services and we will forward you a copy.
- 4.) Once your first draft is complete, you may fax or email to Purchasing Services, for review. Please call our Customer Service line at 204-474-8348 if you have questions or concerns.
- 5.) The “Contract Administrator” on the CAF form will be contacted regarding any changes, or notified to proceed with obtaining signatures.
- 6.) Ensure all signatures and/or initials are in place on the Contract Amendment Form (CAF) and applicable Schedules.
- 7.) **For Contracts with Individuals (do not have a Business Number or charging tax):** Have the contractor sign two (2) copies of Schedule D and applicable Amended Schedules.
- 8.) Forward both copies of the Amended Agreement and the Contract Amendment Form (CAF) to Purchasing Services, 410 Administration Bldg., Fort Garry Campus. Once Purchasing receives ‘both’ copies of the signed Amended Agreement, applicable Schedules and the Contract Amendment form, a change order will be issued to the existing Purchase Order. One copy of the Amended Agreement and a confirming copy of the amended Purchase Order will be forwarded to the attention of the Contract Administrator (as indicated on the face of the Contract Amendment Form CAF).
- 9.) Please forward the Agreement to the Contractor and keep the ‘Receipt Notification’ copy of the Purchase Order and a copy of the Agreement for your records.
- 10.) **For Contracts with Businesses or Individuals (with a Business Number or charging tax):** Please create a Contract Request to Amend in EPIC, uploading all the applicable Amending documents.
- 11.) **Please see the ‘new’ Signing of Agreements - New Policy and Procedures and List of Signing Authorities.** Per policy, only a Dean/Director that reports to a V.P. has signing authority on Contracts/Agreements, regardless of their dollar value.

CONTRACT AMENDMENT FORM

CONTRACT # _____

Contract Administrator Name:	Department	Date received by Purchasing
Contract Administrator's Address	Phone #	Date

<p>CONTRACTOR'S NAME & ADDRESS <input type="checkbox"/> Address Change only</p> <hr/> <hr/> <hr/> <div style="border: 2px solid black; padding: 5px; text-align: center; margin: 10px auto; width: 60%;"> <p>PLEASE ENSURE THAT THE APPLICABLE SCHEDULES ACCOMPANY THE CONTRACT AMENDMENT REQUEST AND SCHEDULE D</p> </div>	<p>REQUIRED ATTACHMENT:</p> <p><input type="checkbox"/> Amending Agreement with:</p> <p><input type="checkbox"/> Schedule A</p> <p><input type="checkbox"/> Schedule B</p> <p><input type="checkbox"/> Schedule C</p>
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COMPLETE QUESTIONS PERTINANT TO THE CHANGES BEING REQUESTED:

Extend the end date of the contract. The contract is being extended because _____

Change the services to those indicated on the attached Schedule A because _____

Increase the maximum dollar amount or change the payment schedule as indicated on the attached Schedule B because _____

Addition of expense Schedule C or change the expenses as indicated on the attached Schedule C because _____

ORGANIZATIONAL UNIT'S APPROVALS:
I certify that sufficient monies have been allocated from my unit budget/grant to honour the University of Manitoba's financial obligations under this agreement.

\$ _____ ← Schedule B (original + amendment)	<div style="border: 2px solid black; padding: 5px; margin: 0 auto; width: 80%;"> <p>THESE AMOUNTS SHOULD REFLECT THE TOTAL: "ORIGINAL" AMOUNT OF THE ICA "PLUS" THE INCREASE.</p> </div> _____ Account Number	_____ Signature of Signing Authority on account (required)
\$ _____ ← Schedule C (original + amendment)	_____ Account Number	_____ Signature of Signing Authority on account (required)

Original effective date of contract ORIGINAL START DATE _____ New end date of contract _____ NEW END DATE, IF APPLICABLE

I agree with the Organizational Unit's recommendations (as listed above) and acknowledge the financial obligations of the faculty/school/administrative unit.

Signature of Department Head (optional)

REQUIRED SIGNATURE

Signature of Dean/Director (required)

*Any consultations or recommendations the Organizational Unit has had may be presented below. (optional)

Department Consultations:

Was anyone else within the University consulted re the contents of this agreement and what were their comments?

**AS WITH THE
CONTRACT
AUTHORIZATION
REQUEST FORM,
THE SAME
PROCEDURES WILL
APPLY.**

****AREAS BELOW FOR ADMINISTRATION USE ONLY****

LEGAL COUNSEL

Proforma – Approved Changes Negotiated/Drafted Agreement

Additional Comments: _____

Legal Counsel Signature _____ Date _____

POLICY 609 Certified as to compliance Not Applicable

Authorized Signature _____

BUDGET & GRANTS - Authorization of expenditure (where insufficient funds are indicated by Walker system)

Authorized Signature: _____

HUMAN RESOURCES Employment Independent Contractor

Reasons: _____

Authorized Signature: _____

PURCHASING SERVICES:

Quotes/Tenders required Yes No Date Quotes/Tenders requested _____

Recommendations/Comments: _____

Authorized Signature _____

ICA Contract No. P _____

ORIGINAL PURCHASE ORDER NUMBER

For all CONTRACT AMENDMENTS (ie INCREASE IN COMMITMENT OR CONTRACT END DATE EXTENSIONS), THE FOLLOWING FORMS ARE REQUIRED:
- CONTRACT AMENDMENT FORM
- SCHEDULE D SIGNED BY THE CONTRACTOR and AUTHORIZED SIGNING AUTHORITY for the Department/Faculty, plus
- APPLICABLE SCHEDULES:
- SCHEDULE A – if additional services are required,
- SCHEDULE B – if the dollar amount is increased
- Schedule C-(Expenses) if applicable

SCHEDULE “D”

AMENDING AGREEMENT

BETWEEN:

THE UNIVERSITY OF MANITOBA

(the “University”)
- and -

CONTRACTOR’S NAME

(the “Contractor”)

WHEREAS:

“ORIGINAL” CONTRACT START and END DATE

- A. The parties entered into an independent contractor agreement for a term commencing on _____ and ending on _____ and subject to the terms and conditions therein contained (the “Independent Contractor Agreement”);
- B. The parties wish to amend the Independent Contractor Agreement as set out in this Amending Agreement.

NOW WITNESSETH that the parties hereto agree as follows:

“NEW” CONTRACT END DATE (if applicable)

- 1. The Independent Contractor Agreement is amended as follows:
 - (a) the term of the Independent Contractor Agreement shall be extended to _____.
 - (b) Schedule “A” of the Independent Contractor Agreement is hereby deleted and Schedule “A” attached hereto is substituted therefor.
 - (c) Schedule “B” of the Independent Contractor Agreement is hereby deleted and Schedule “B” attached hereto is substituted therefor.
 - (d) Schedule “C” of the Independent Contractor Agreement is hereby deleted and Schedule “C” hereto is substituted therefor.
 - (e) The Independent Contractor Agreement is hereby amended by adding thereto as Schedule “C” the document entitled Schedule “C” attached hereto.
- 2. The Independent Contractor Agreement remains in full force except to the extent that it is modified by this Amending Agreement.
- 3. This Amending Agreement may be executed in any number of counterparts and by different parties in separate counterparts, each of which when so executed shall be deemed to be an original and all of which taken together shall constitute one and the same agreement. Delivery by *facsimile* or by electronic transmission in portable document format (PDF) of an executed counterpart of this Amending Agreement is as effective as delivery of an originally executed counterpart of this Amending Agreement.

IN WITNESS WHEREOF this Amending Agreement has been duly executed by the parties.

THE UNIVERSITY OF MANITOBA

Per: _____
Name:
Title:

Date: _____

CONTRACTOR

Contractor’s full name

Per: _____
Name:
Title:

Date: _____