

MEMORANDUM OF AGREEMENT

BETWEEN

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

(DHET)

AND

UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG

(WITS)

AND

UNIVERSITY OF MPUMALANGA

(UMP)

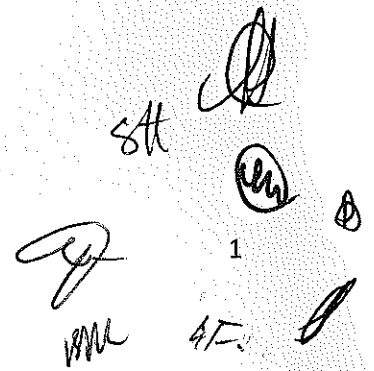
AND

SOL PLAATJE UNIVERSITY

(SPU)

The term "NEW UNIVERSITIES" in this Memorandum of Agreement refers to both UMP and SPU

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PARTIES

The Parties to this agreement are:

Department of Higher Education and Training (DHET)

University of the Witwatersrand, Johannesburg (WITS)

University of Mpumalanga (UMP)

Sol Plaatje University (SPU)

PREAMBLE

Whereas

An agreement between DHET and WITS (hereinafter called the Master Agreement) pertaining to the infrastructure planning and delivery proposals for the two envisaged new universities in the Northern Cape (SPU) and Mpumalanga (UMP) had been concluded on 03 February 2012.

The Master Agreement was since its conclusion amended by the parties to the Master Agreement by way of Addenda with a view to amend and/or supplement the Master Agreement

The parties to the Master Agreement amended the said agreement on 25 September 2014 at the request of the new universities by way of the Fourth Addendum, subject to the condition that the new universities conclude a Memorandum of Agreement with the Parties to the Master Agreement confirming and accepting the terms and obligations of the Master Agreement and accepting the completed construction projects and on-going responsibility for them.

The new universities had been established on 22 and 23 August 2013 (UMP and SPU respectively) as separate juristic persons in accordance with the Act with the authority to enter into contracts such as the Master Agreement with the approval of its Council and the Minister of Higher Education and Training.

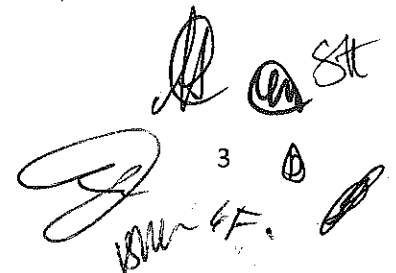
The newly established universities (UMP and SPU) wish to formally become parties to the Master Agreement as amended/supplemented by the Fourth Addendum, subject to the provisions of the Higher Education Act, 1997, as amended, and this Memorandum of Agreement.

The Parties to this Memorandum of Agreement wish to record their agreement as follows:

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AGREEMENT

1. UMP and SPU acknowledge the fact that significant infrastructure planning and development work have already been undertaken by DHET and WITS in accordance with the Master Agreement, as amended from time to time, prior to the establishment of the new universities and subsequently in close consultation with the UMP and SPU.
2. UMP and SPU accept the completed construction projects and forthwith take responsibility for the management and maintenance thereof.
3. UMP and SPU confirm their request for the extension of the contract term of the Master Agreement, as amended by the Fourth Addendum, until 31 March 2016 with a view to enabling the further planning and construction of infrastructure projects by the DHET and WITS on behalf of the new universities, as contemplated in the Master Agreement, as amended, and agreed with the new universities, and creating adequate and appropriate capacity, competencies and structures with regard to infrastructure development, facilities management and maintenance.
4. UMP and SPU confirm that the spatial development and implementation plans developed by WITS and the DHET, as amended from time to time, have been developed in consultation with their authorised representatives and that said developments, plans and implementation schedules have been approved by their respective governance structures, subject to the provisions of the Higher Education Act, 1997, as amended.
5. UMP and SPU have participated in procurement processes leading to the appointment by WITS of the respective project managers, design teams and main contractors for the construction work as agreed and that UMP and SPU herewith wish to confirm and ratify the appointment of the said managers, design teams and contractors.
6. UMP and SPU herewith wish to confirm and adopt the terms and conditions of the Master Agreement, as amended by the Fourth Addendum, through the signing of this Memorandum of Agreement, subject to the following:
 - 6.1 The Master Agreement is herewith amended to allow for the membership of up to three representatives each from the UMP and SPU on the Steering Committee described in clause 12.1.1 and on the Technical Integration Committee described in clause 12.1.2.
 - 6.2 UMP and SPU shall not assume any accounting responsibility with regard to the funds provided by the DHET for the financing of the completed and planned projects.
 - 6.3 The Parties assume collective responsibility for the oversight and monitoring of the progress of the planned projects in accordance with the processes and procedures contemplated in the Master Agreement and the Fourth Addendum.
 - 6.4 UMP and SPU confirm that the design and configuration of the construction projects in accordance with the spatial development and implementation plans have been developed in consultation with the Management of the UMP and SPU and approved by the respective Interim Councils.
 - 6.5 The Parties agree that any further adjustments and/or refinements with regard to the construction projects referred to in clause 6.4 will be done in consultation with the Management of the institution affected, for approval of the relevant Council, as necessary and required in accordance with the Higher Education Act, 1997, as amended.

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- 6.6 The Parties confirm that the framework budgets associated with the construction projects referred to in clause 6.4 will be submitted to the Steering Committee referred to in clause 6.1 above for consideration and recommendation to the DHET.
- 6.7 The Parties confirm that the DHET approves or amends the proposals of the Steering Committee referred to in clause 6.6 with the concurrence of the Council of the affected institution.
- 6.8 The Parties confirm that regular progress reports and the final concluding reports regarding the construction projects will be submitted by WITS via the Steering Committee to the DHET and the Management and Councils of UMP and SPU for consideration and approval as appropriate.
- 6.9 In the event of any dispute between the Parties regarding the terms and conditions of the Master Agreement, the Addenda thereto, or this Memorandum of Agreement, the matter shall be referred to the Minister of Higher Education and Training who shall take appropriate steps to resolve the dispute.

Signed at PRETORIA on this 13 day of OCTOBER 2014

For and on behalf of DEPARTMENT OF HIGHER EDUCATION & TRAINING

Signature [Handwritten Signature]

Witness [Handwritten Signature]

Signed at Pretoria on this 17 day of October 2014

For and on behalf of University of Mpumalanga

Signature [Handwritten Signature]

Witness [Handwritten Signature]

[Handwritten Signatures]

Signed at Botswana on this 23 day of October 2014

For and on behalf of Sol Plaatje University

Signature [Signature]

Witness [Signature]

Signed at Braamfontein on this 24th day of October 2014

For and on behalf of University of the Witwatersrand, Jhb.

Signature [Signature] (Acting Vice Chancellor)

Witness [Signature]

[Signature] [Signature]
ST. [Signature] 5 [Signature]
[Signature]