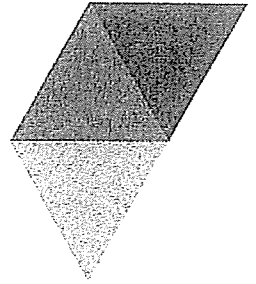


1/1/16 - 30/4/17



Variation 1 to Funding Agreement for In-Service Professional Development Services Agreement

Ministry of Education

Teachers' Refresher Course Committee

CW37184

Date:

2016

PARTIES

The Ministry of Education acting by and through the **Secretary for Education**, at Wellington (the *Ministry*)

Teachers' Refresher Course Committee having its registered office at 113A Molesworth Street, Wellington registration no. 448987 (the *Supplier*)

BACKGROUND

- A The Ministry and Supplier are parties to an agreement for In-Service Professional Development Services dated 30 September 2015 (the *Agreement*).
- B A Variation is required to extend the term of the agreement to allow the committee to deliver planned in-service courses to the sector.
- C The parties wish to vary the Agreement upon the terms and conditions as detailed in this variation.

THE PARTIES AGREE as follows:

1 INTERPRETATION

1.1 Defined terms

In this variation, unless the context requires otherwise, words and expressions defined, and references construed, in the Agreement and not otherwise defined or construed in this variation will, where used in this variation, have the same meanings and constructions as those given to them in the Agreement.

1.2 Construction

Clauses: a reference to a clause is to a clause of this variation;

Documents: a reference to any document, including this variation, includes a reference to that document as amended or replaced from time to time;

Headings: headings appear as a matter of convenience and do not affect the construction of this variation;

Parties: a reference to a party to this variation or any other document includes that party's personal representatives/successors and permitted assigns;

Singular, Plural and Gender: the singular includes the plural and vice versa, and words importing one gender *include* the other genders.

2 **CONFIRMATION**

Except as expressly varied by this variation, all terms of the Agreement continue in full force and effect and are acknowledged and confirmed by each of the parties.

3 **VARIATION**

With effect from signing, the Agreement is varied as follows:

3.1 By the deletion of 1.1 and its replacement as follows:

“Defined terms

In this agreement, unless the context requires otherwise:

Agreement means this funding agreement and its Schedules;

Grant means the sum of \$680,652.80 (including GST), paid in accordance with clause 4 of this Agreement;

Minister means the Minister of Education;

Term means the term of this Agreement specified in clause 3.”

3.2 By the deletion of clause 2.1 and its replacement as follows:

“This agreement starts 1 January 2016 and continues until 30 April 2017 unless terminated earlier in accordance with this agreement or at law”

3.3 By the deletion of clause 4.1 and its replacement as follows:

“The Ministry will pay the Grant in instalments on the dates set out below, provided:

No.	Due Date	Amount (ex GST)
1	1 February 2016	\$110,976
2	31 March 2016	\$110,976
3	15 July 2016	\$110,976
4	30 September 2016	\$55,488
5	31 January 2017	\$55,488
6	28 February 2017	\$73,984
6	30 April 2017	\$73,984
Total		\$591,872

3.4 By the addition of 5.1 c into the SOW as follows:

Final Summary Report	30 April 2017	<ul style="list-style-type: none"> • Submit a final summary report • Report on each of the tasks and relevant performance measures, as per Section Three including: • An analysis of all completed courses and any associated evaluations. • Confirm delivery against service levels
----------------------	---------------	--

4 GENERAL

4.1 Counterparts

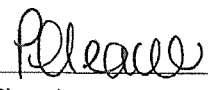
This variation may be signed in two or more counterparts all of which, when taken together, will constitute one and the same instrument. A party to this variation may enter into it by executing any such counterpart.

4.1 Further assurances

Each party will do all things and execute all documents reasonably necessary to give effect to the terms of this variation.


EXECUTED AS A VARIATION

Signed for and on behalf of
Ministry of Education by:



Signature

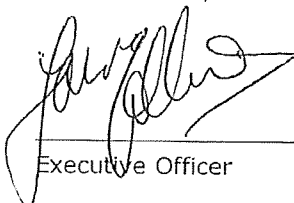
Pauline Cleaver



Name


Date: 12/8/16.

Signed for and on behalf of
**Teachers' Refresher Course
Committee** by:



Executive Officer

Laura Collins



Office Manager

Date: 12/8/16.