

**GITC WA4 User Guide**  
**(Non-SPIRIT Version)**

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## 1 WHAT IS THE GITC?

'GITC' stands for 'Government Information Technology and Communications' contracting framework. This (fourth) version, GITC4 relates to all ICT purchases outside of the SPIRIT Framework.

The Terms and Conditions document can be used as the basis for building a contract between suppliers and government agencies in respect of individual transactions not related to the SPIRIT Framework.

The Terms and Conditions are modelled on the Commonwealth Version 4 which was initially agreed between the Commonwealth Department of Finance and Administration and the [Australian Information Industry Association](#) ('AIIA') for use in transactions involving Commonwealth Government acquisition of information technology and communications products or services (including major office machines).

## 2 CAN THE TERMS AND CONDITIONS BE ALTERED IF USED?

Whilst the pro forma Terms and Conditions cannot be negotiated without exemption from the Contract Authority, it is possible to vary the effect of most clauses, which are likely to be contentious, by judicious use of the Contract Details. Where the contract structure does not enable such a variation to take effect, this is because the Contract Authority requires those provisions to remain unaltered.

Intentionally, the terms and conditions are relatively even-handed but default in favour of the government. This is appropriate, given that the document represents standard government IT procurement terms.

## 3 WHAT ARE THE BENEFITS OF HAVING PRO FORMA TERMS AND CONDITIONS?

The Terms and Conditions endeavour to cater for most types of transactions involving the procurement of IT products and services. Because they were developed initially by the Commonwealth in consultation with the AIIA, and because the Contract Authority has consulted with industry in settling the Western Australian version 4, it is expected that in a majority of instances these provisions will adequately balance the interests of both parties.

- Used in their standard form, these Terms and Conditions can:
- Reduce the cost of negotiation between the contractual parties;
- Equitably share the responsibilities and liabilities of a contract; and
- Provide certainty in the contractual requirements of both parties.

## 4 HOW DOES THE GITC FRAMEWORK OPERATE?

Anyone utilising this document should first familiarise themselves with the Terms and Conditions themselves. The Terms and Conditions provide a general legal framework for the construction of a specific contract.

Specific details of the contractual relationship are entered into the Appendices and Attachments, particularly the [Contract Details \(Appendix 1\)](#).

To properly use the GITC framework, a user should have an ability to understand the meaning and implications of the Terms and Conditions together with an ability to competently complete the Appendices and Attachments.