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**Order Form for Public Cloud Services (SaaS)**

**Parties**

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| Purchasing Agency | [Insert full legal name of Eligible Agency, e.g. The Sovereign in Right of New Zealand acting by and through [the Chief Executive] of [insert government department]; or, if not a department, e.g., The Commerce Commission] (**the Purchasing Agency**, **we**, **our**, **us**) |
| Service Provider | [Insert full company name, company number and registered office (or name if not a company)] (the Service **Provider**, **you**, **your**) |

**Background**

This Order Form (the “Order”) is for our procurement of Public Cloud (SaaS) Services, as defined in the Channel Terms for Public Cloud Services (SaaS) Standard (the **Channel Terms**).

Those Channel Terms are Part 2 of the Collaborative Marketplace Agreement between the New Zealand Government and you. They prescribe the form of the Subscription Agreement that applies to our procurement of Public Cloud Services (SaaS) via the Marketplace.

Notes in blue boxes are for your convenience but are not part of the Subscription Agreement.

**Agreement**

1. Content and formation of this Order Form

Execution of the Order Form creates an agreement – a Subscription Agreement – that comprises sets of applicable terms once agreed.

You and we agree that, as outlined in clause 4 of the Channel Terms, the contract that applies between you and a Purchasing Agency for the Purchasing Agency’s consumption of your SaaS Services shall be an agreement that comprises:

* + - 1. your Standard Terms applying on the Ordering Data; but
      2. subject to and as modified by the terms specified in clause 5 (the **Government Terms**).

We call this agreement a **Subscription Agreement.** If there is any inconsistency between the Government Terms and your Standard Terms, the **Government Terms prevail**.

1. Subscription/Order Details

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| --- | --- |
| Order Subscription: | *[Details of tenancy]* |
| Order Subscription Features: | *[Specific features if any – Users etc]* |
| Order Subscription Fees: | *[Fixed fee of $X excl. GST per annum]* |
| Order Subscription Period: | *[Duration of subscription]* |
| Commencement Date: | *[Date of Commencement of Services]* |
| End Date: | *[End date of Services]* |

1. Cancellation

If there is any inconsistency between the Government Terms specified in Clause 5 of CMA part 2 and the Service Provider’s Standard Terms, the Government Terms shall prevail.

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* 1. [Supplier to insert cancellation details]

1. Payment Terms
   1. [Supplier to insert payment Terms]

Pricing of SaaS Services must be based on the Prices stated in the relevant Services Listings at the time this Order Form is executed for the SaaS Services.

1. Term
   1. This Agreement will commence on the Commencement Date and will continue until your Order Subscription ends and is not renewed, unless earlier terminated in accordance with its terms.
   2. **Suppliers to add Standard Terms and Conditions to this Order form.**

**Execution**

In signing this Order Form, each party acknowledges that it has read all applicable terms and agrees to be bound by them.

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| For and on behalf of the **Purchasing Agency** named above:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | For and on behalf of the Service **Provider** named above:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |
| (signature) | | (signature) | |
| **Name:** |  | **Name:** |
| **Position:** |  | **Position:** |
| **Date:** |  | **Date:** |