

<b>Policies of the University of North Texas</b>	Chapter 10
<b>10.044 Private Consultant Services</b>	<b>Fiscal Management</b>

**Policy Statement.** A consulting service is defined by Texas Government Code, Chapter 2254 as "the human service of studying or advising an agency under a contract that does not involve the traditional relationship of employer and employee." A state agency or institution may contract with private consultant only if: There is a substantial need for the service and the agency cannot adequately perform the service with its own personnel or through another agency.

**Application of Policy.** All University

**Definitions.**

1. **Consulting Service.** A consulting service is defined by Texas Government Code, Chapter 2254 as "the human service of studying or advising an agency under a contract that does not involve the traditional relationship of employer and employee."

**Procedures and Responsibilities.**

A state agency or institution may contract with private consultant only if:

- a. There is a substantial need for the service; and:
- b. The agency cannot adequately perform the service with its own personnel or through another agency.

If the consulting service is reasonably foreseen to exceed \$25,000 during the term of the contract, including reasonably foreseeable renewals, the state agency will have pre-procurement and post-procurement oversight from the Legislative Budget Board (LBB) and the Governor's Budget and Planning Office. The intent to contract and the award of the consulting contract must be published in the Texas Register, and requires approval of the agency head prior to publication.

Texas Government Code, Chapter 2254 specifically empowers each agency to purchase professional services under the Professional Services Procurement Act. These procurements are exempt from Texas Building and Procurement Commission's review authority. Professional services means services:

- a. within the scope of the practice, as defined by state law, of:
  - i. accounting;
  - ii. architecture;
  - iii. landscape architecture;
  - iv. land surveying;

- v. medicine;
- vi. optometry;
- vii. professional engineering;
- viii. real estate appraising; or
- ix. professional nursing; or

b. provided in connection with the professional employment or practice of a person who is licensed or registered as:

- i. a certified public accountant;
- ii. an architect;
- iii. a landscape architect;
- iv. a land surveyor;
- v. a physician, including a surgeon;
- vi. an optometrist;
- vii. a professional engineer;
- viii. a state certified or state licensed real estate appraiser; or
- ix. a registered nurse

Consult Purchasing Services for guidance in procuring professional or consulting services.

Responsible Party: Associate Vice President for Finance/Controller

**References and Cross-references.**

Texas Government Code, Chapter 2254

Approved: 9/1/1979

Effective:

Revised: 8/94; 8/99; 7/03; 4/06;

\*3/2011 format only