
Chapter: Fiscal and Administrative Affairs

Modification No. 003

Subject: **Consultant Services**

- I. The terms of all agreements between the College and consultants which are expected to involve an expenditure of over \$500 from the Current Fund or Special Fund of the operating budget shall be detailed in a written contractual agreement, and contractual agreements which involve an expenditure of operating budget funds in excess of the amount defined as a "Small Procurement" shall be approved by the Board of Trustees prior to execution by the President or his/her designee.
- II. When practical and in the best interest of the College, appropriate competitive bidding procedures shall be followed in selecting a consultant.

Board Approval: June 25, 1979; November 18, 1982; June 18, 1990.

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I. General

When the consultant's fee is expected to be \$500 or less, the requester may secure approval for use of the consultant by means of a memorandum through the account manager to the appropriate unit administrator.

The following information is intended to serve as guidance when:

- A. Money to be expended for a consultant's fee is funded from the operating funds of the College.
- B. A consultant's fee is expected to be in excess of \$500.

II. Definition

A consultant is defined as an individual, private firm, agency, or group which provides, on a temporary and short-time basis, highly specialized and expert professional advice or service which fills a clearly defined need of the College. Such service or advice is utilized by the College only when it is of such an infrequent or temporary nature as not to warrant the employment of a permanent specialist, even on a part-time basis. No one employed by the College, full-time or part-time, may be paid a consultant fee by the College while that person is on the payroll of the College.

III. Guidelines for Requesting Consultant Services

- A. If the advice they are to give or the service they are to provide cannot be furnished by faculty, staff, administrators, or students without interfering with the performance of their normal functions and without a conflict of interest, a consulting specialist may be used.
- B. Prior to initiating a request for the services of a consultant, the initiator should consider contacting the professional staff of associations or societies with which the College has membership and whose activities impinge on the area for which consulting service is needed. The initiator should determine if the association provides advice or service of the type needed by the College and if the association's resources can be used by the College.
- C. Unless the material contained in a consultant's report is confidential, the contents of the report should be available to all College personnel who have responsibilities related to the report.

IV. Process for Requesting Consultant Services

- A. When the need for the services of a consultant has been determined, the requester will submit a request which will contain:
 - 1. The need to be served by the use of a consultant and a competitive bidding procedure that is to be employed in selecting a consultant.

Where competitive bidding is not appropriate the reasons must be stated.

2. The means by which the proposed consultant suggests that he or she will serve that need.
 3. The cost that would be incurred for obtaining consulting services. Costs for per diem, or travel, if any, should be shown separately.
 4. The consequences to the College if a consultant were not retained.
 5. A statement indicating other resources, if any, which have been explored before resorting to the use of a consultant.
 6. References for the proposed consultant furnished by three sources. If telephone references are used, the name and address of the references must be quoted. If the securing of references is singularly inappropriate, the reason therefor must be stated.
 7. Vitae or other background information about the proposed consultant including professional associations, societies, or organizations in which he or she has membership.
 8. A draft, signed by the initiator or College coordinator, and tentatively approved by the consultant, of the contractual agreement between the proposed consultant and the College. General Counsel shall be contacted for advice as to the content and format of the agreement.
 - a. The specific obligation to be assumed by the consultant.
 - b. The financial or other obligation to be assumed by the College.
 - c. The time frame within which the consultant will work.
 - d. If appropriate, a stipulation that the consultant will furnish Montgomery College with a certificate of liability insurance.
 - e. A statement that none of the activity which is the subject of the agreement will begin until the appropriate persons have affixed their signatures to the agreement with the proviso that the College disclaims all financial responsibility for work performed before the agreement is duly executed.
- B. The written request, which now includes a proposed contract, is processed in accordance with College procedures for contracts. Processing of the request is to include review and approval by the appropriate account manager.

V. Payment for Consultant Services

Upon completion of the consulting services, the coordinator requests by memorandum that the Director of Finance, who was previously furnished with a copy of the contractual agreement, make payment to the consultant. The coordinator must certify that the terms of the agreement have been fully satisfied. If the consulting service is to take place

during a long-term period, the coordinator, consultant, and Director of Finance may agree on one or more interim payments.

Administrative Approval: November 19, 1975; June 26, 1979; April 26, 1985.