



## POLICY & PROCEDURES MEMORANDUM

<b>TITLE:</b>	<b>CONTRACTS FOR PROFESSIONAL, PERSONAL, CONSULTING AND SOCIAL SERVICES</b>
<b>EFFECTIVE DATE:</b>	<b>May 20, 2003*</b> (*OCR Form Additions 2/28/11; 1/29/09, Retirement Disclosure Form Addition 3/24/09)
<b>CANCELLATION:</b>	DCI 3311.1B (9/15/86)
<b>CATEGORY:</b>	Business (BA)

### POLICY STATEMENT

Contracts for professional, personal, consulting and social services by Delgado Community College must be in the best interest of the College. They are used only when it is ascertained that no one competent to perform the services being sought is available within the resources of the College. All such contracts are administered in compliance with the provisions of this memorandum and the methods established by the Louisiana [Office of State Procurement](#) (OSP) in accordance with Louisiana Revised Statutes, Chapter 17, *Louisiana Procurement Code*, Title 39, Sections 1551 through 1755.

Faculty, staff, and student organization members are required to follow the methods and procedures specified in this memorandum regarding the use of contracts for professional, personal, consulting and social services. Only contracts for services obtained through these procedures are considered valid contracts of the College. *Any contract entered into by a College faculty or staff member without receiving notification from the Assistant Vice Chancellor for Financial Services that the contract has received all necessary College and external approvals, as outlined in this memorandum, will be the sole responsibility of the person entering into the unauthorized contract.*

### PROCEDURES & SPECIFIC INFORMATION

#### 1. Purpose

To establish policies and procedures for administering contracts for professional, personal, consulting and social services entered into by College.

## 2. **Scope and Applicability**

This policy and procedures memorandum applies to all employees and student organization members of Delgado Community College involved with contracts for professional, personal, consulting and social services entered into by the College.

## 3. **Delegation of Signature Authority**

The Vice Chancellor for Business and Administrative Affairs has been delegated, by the Division of Administration's Office of State Procurement (OSP), through the Board of Supervisors for the Louisiana Community and Technical College System (LCTCS), the authority to sign all contracts less than \$20,000 for personal, professional, consulting and social services entered into by the College. For all contracts of \$5,000 or more, the Chancellor's signature approval is also required.

*Any contract entered into by a College faculty or staff member without receiving notification from the Assistant Vice Chancellor for Financial Services that the contract has received all necessary College and external approvals, as outlined in this memorandum, will be the sole responsibility of the person entering into the unauthorized contract.* Depending on the circumstances, employees entering into unauthorized contracts may be subject to disciplinary action.

## 4. **Definitions and Classes of Contractual Services**

The following classes of contractual services are defined according to Louisiana Revised Statute 39:1484:

- A. ***Personal Services*** – “Work rendered by individuals which requires use of creative or artistic skills, such as but not limited to graphic artists, sculptors, musicians, photographers, and writers, or which requires use of highly technical or unique individual skills or talents, such as paramedics, therapists, hand writing analysts, and expert witnesses for adjudications to other court proceedings.”
- B. ***Professional Services*** – “Work rendered by an independent contractor who has professed knowledge of some department of learning or science used by its practical application to the affairs of others or in the practice of an art founded on it, which independent contractor shall include but not be limited to lawyers, doctors, dentists, psychologists, certified advanced practice nurses, veterinarians, architects, engineers, landscape architects, accountants, actuaries, and claims adjusters. A profession is a vocation founded upon prolonged and specialized intellectual training which enables a particular service to be rendered. The word ‘professional’ implies professed attainments in special knowledge as distinguished from mere skill.”

- C. **Consulting Services** – “Work, other than professional or personal services, rendered by either individuals or firms who possess specialized knowledge, experience and expertise to investigate assigned problems or projects and to provide counsel, review, design, development, analysis, or advice in formulating or implementing programs or services, or improvements in programs or services, including but not limited to such areas as management, personnel, finance, accounting, planning, data processing, and advertising contracts except for printing associated therewith.”
- D. **Social Services** – “Work rendered by any person, firm, corporation, organization, governmental body, or governmental entity in furtherance of the general welfare of the citizens of Louisiana.” For a complete description of authorized social services refer to LR.S. 39:1484.

## 5. General Provisions

- A. Contracts for professional, personal, consulting and social services may only be used when it is ascertained that no one competent to perform the services being sought is available within the resources of the College. In addition, no current state employee (at Delgado or at any other state agency) may engage in the performance of a proposed contract except for the specific exceptions provided for in R.S. 39:1498.2.
- B. Contracts funded fully or in part by federal, state, private, grant or any other restricted funds, in addition to meeting all requirements of this memorandum, must be in accordance with all applicable standards and regulations and must contain all necessary clauses required by the funding source.
- C. Travel and other reimbursable expenses constitute part of the total maximum payable under the contract. When a contract is to include travel and/or other reimbursable expenses, the expenses are reimbursed in accordance with State of Louisiana General Travel Regulations. ***Prior to initiating a contract involving travel or reimbursable expenses, the initiating department should consult with the Assistant Vice Chancellor for Financial Services to determine correct contract language.***
- D. As per OSP regulations, “the continuation of a contract is contingent upon the appropriation of funds to fulfill the requirements of the contract by the legislature. If the legislature fails to appropriate sufficient monies to provide for the continuation of the contract, or if such appropriation is reduced by the veto of the Governor or by any means provided in the appropriations act to prevent the total appropriation for the year from exceeding revenues for that year, or for any other lawful purpose, and the effect of such reduction is to provide insufficient monies for the continuation of the contract, the contract shall terminate on the date of the beginning of the first fiscal year for which funds are not appropriated.”

**6. Contract(s) with Annual Total Less Than \$20,000**

As the College has delegated authority to approve contract(s) totaling \$20,000 or less in one fiscal year, such contracts do not require external approval and thus are considered internal contracts. The less than \$20,000 limit pertains to either one contract or a series of contracts with one particular vendor for the same scope of work throughout the duration of one fiscal year. Therefore, it is not permissible to artificially divide a larger contract so as to constitute smaller contracts of \$20,000 or less over a given fiscal year.

Contracts for \$20,000 or less are submitted on a [Contract for Professional, Personal, Consulting and Social Services](#), Form 3311/001 (Attachment A). It is recommended that the initiating department should consult with the Assistant Vice Chancellor for Financial Services prior to drafting the contract in order to ensure correct contract language. Once the contract is written, the initiating department must secure the initials of the appropriate internal department heads on the bottom of the contract, as well as the signature of the contractor. As it is stated on the contract, *the contract is not valid until all appropriate approvals have been received.*

In addition, a completed [Certification Letter](#) (Attachment B), which certifies that no one at the College is competent to perform the contract services, must be attached to contracts of \$5,000 or more. If the contract is for consulting services, a resume of the contractor must be attached; the resume must also be kept on file for a minimum of three (3) years by the contract originator (initiating department). When a contractor is a corporation, profit or non-profit, the contract must be accompanied by a resolution from the Board of Directors of the corporation authorizing the signature for the corporation. If the contractor is a for-profit corporation whose stock is not publicly traded, proof that a disclosure of ownership form has been properly filed with the Louisiana Secretary of State's Office must be submitted with the contract.

Upon receipt of the appropriate initials/signatures on the contracts and the necessary attachments, the initiating department submits the contract with its attachments to the Assistant Vice Chancellor for Financial Services for final College approval. The Assistant Vice Chancellor for Financial Services' signature verifies that funds are available and that the contract is written in accordance with OSP regulations. The Assistant Vice Chancellor for Financial Services also secures the signatures of the Vice Chancellor for Business and Administrative Affairs (required on all contracts) and the signature of the Chancellor (required on contracts of \$5,000 or more). Only after all appropriate approvals have been completed is the initiating Department authorized to instruct the contractor to begin performing contract services.

**7. Contract(s) with Annual Total of \$20,000 to \$49,999.99**

Contract(s) totaling \$20,000 to \$49,999.99 in one fiscal year require both internal and external approval. While these contracts may be awarded without competitive negotiation or bidding, these contracts require the Division of Administration's Office of State Procurement approval prior to contract award. The \$20,000 to \$49,999.99 contract limit pertains to either one contract or a series of contracts with one particular vendor for the same scope of work

throughout the duration of one fiscal year. Therefore, it is not permissible to artificially divide a larger contract of \$50,000 or more so as to constitute smaller contracts with the same contractor for the same scope of work over a given fiscal year.

Contracts for \$20,000 to \$49,999.99 are submitted on a [Contract for Professional, Personal, Consulting and Social Services](#), Form 3311/001 (Attachment A). It is recommended that the initiating department should consult with the Assistant Vice Chancellor for Financial Services prior to drafting the contract in order to ensure correct contract language. Once the contract is written, the initiating department must secure the initials of the appropriate internal, departmental heads on the bottom of the contract, as well as the signature of the contractor. As it is stated on the contract, ***the contract is not valid until all appropriate internal and external approvals have been received.***

In addition, a completed [Certification Letter](#) (Attachment B), which certifies that no one at the College is competent to perform the contract services, must be attached. A signed [IRS Form W-9](#) from the contractor must also be attached for all contracts. For individuals, a signed [Retirement Membership Disclosure Form](#) must also be attached. If the contract is for consulting services, a resume of the contractor must be attached; the resume must also be kept on file for a minimum of three (3) years by the initiating department. When a contractor is a corporation, profit or non-profit, the contract must be accompanied by a resolution from the Board of Directors of the corporation authorizing the signature for the corporation. If the contractor is a for-profit corporation whose stock is not publicly traded, proof that a disclosure of ownership form has been properly filed with the Louisiana Secretary of State's Office must be submitted with the contract.

Effective February 2, 2009, for contracts of \$20,000 and over a [Contract Review Form for Civil Service \(Form #CSCR1\)](#) (Attachment C) must also be attached. The Louisiana Department of State Civil Service requires this form to address the nature of the relationships with employees of the College that may be established as a result of all proposed professional services contracts of \$20,000 or more.

Upon receipt of the appropriate initials/signatures on the contracts and the necessary attachments, the initiating department submits the contract with its attachments to the Assistant Vice Chancellor for Financial Services. The Assistant Vice Chancellor for Financial Services signature verifies funds are available and that the contract is written in accordance with state regulations. After obtaining the signatures of the Vice Chancellor for Business and Administrative Affairs and the Chancellor, the Assistant Vice Chancellor for Financial Services then submits the contract to the Office of State Procurement (and Form CSCR1 to the Louisiana Department of State Civil Service if applicable) for approval. Once approved, the Assistant Vice Chancellor for Financial Services notifies the initiating department that contract services may begin. Only after all appropriate internal and external approvals have been received is the initiating department authorized to instruct the contractor to begin performing contract services.

8. **Contract(s) with Annual Total of \$50,000 or More**

Contract(s) totaling \$50,000 or more in one fiscal year also require Office of State Procurement approval prior to contract award. The \$50,000 or more contract limit pertains to either one contract or a series of contracts totaling \$50,000 or more with one particular vendor for the same scope of work throughout the duration of one fiscal year.

In accordance with OSP regulations, contracts of \$50,000 or more may require competitive negotiation and bidding depending on the nature of the contract. For contracts of \$50,000 or more the initiating department must contact the Assistant Vice Chancellor for Financial Services to determine applicable OSP regulations and procedures regarding competitive negotiation or bidding. The Assistant Vice Chancellor for Financial Services coordinates the competitive negotiation and bidding process in accordance with OSP regulations to award the contract. Only after the Assistant Vice Chancellor for Financial Services has notified the initiating department that a contract has been competitively bid and has received OSP approval is the initiating department authorized to instruct the contractor to begin performing contract services.

9. **Coordination and Reporting of Contracts**

The Assistant Vice Chancellor for Financial Services coordinates the internal and external approval process, competitive negotiation and bidding if required, and payment of invoices for all contracts for professional, personal, consulting and social services. In addition, the Assistant Vice Chancellor for Financial Services submits quarterly reports to the [Office of State Procurement](#) (OSP) and the Board of Supervisors for the LCTCS for all contracts over \$2,000, in accordance with OSP guidelines. By tracking each specific contractor, description of services rendered, the dollar amount of each contract, and the source of funding, these quarterly reports ensure that the College is adhering to the proper procedures as determined by the OSP's established contract limits.

10. **Modification of Contract**

All amendments to contracts for professional, personal, consulting and social services are coordinated through the Assistant Vice Chancellor for Financial Services in accordance with OSP regulations. The initiating department must notify the Assistant Vice Chancellor for Financial Services **immediately** if a contract requires modification. ***Under no circumstances can the contract be modified after the contract has expired.***

11. **Responsibilities and Procedures**

A. The Initiating Department will:

- (1) Ascertain that no one competent to perform the services being sought is available within the resources of the College.
- (2) After consulting with the Assistant Vice Chancellor for Financial Services, submit the completed [Contract for Professional, Personal, Consulting and Social Services](#), Form 3311/001 (Attachment A), with the initials of all appropriate internal department heads on the bottom of the contract, the contractor's signature, and all necessary attachments (see number 3 and 4 below) to the Assistant Vice Chancellor for Financial Services at least ten (10) working days prior to the effective date of the contract. (For contracts of \$20,000 or more, which require OSP approval, the initiating department should determine from the Assistant Vice Chancellor for Financial Services a recommended effective date that would provide enough time for OSP approval.)
- (3) As per L.R.S. 39:1497, for contracts in excess of \$5,000, attach a completed [Certification Letter](#) (Attachment B) to the contract, which certifies that no one at the College is competent to perform the contract services.
- (4) Attach other necessary documents to the contract as follows:
  - Signed [IRS Form W-9](#) from the contractor.
  - A resume of contractor *if* the contract is for consulting services. [The contractor's resume must also be kept on file by the initiating department for a minimum of three (3) years.]
  - A resolution from the Board of Directors of the corporation authorizing the signature for the corporation of the contractor *if* the contractor is a profit or non-profit corporation.
  - Proof that a Disclosure of Ownership Form has been properly filed with the Louisiana Secretary of State's Office *if* the contractor is a for-profit corporation whose stock is not publicly traded.
- (5) With the assistance of the Assistant Vice Chancellor for Financial Services for contracts of \$20,000 and over, completes a [Contract Review Form for Civil Service \(Form #CSCR1\)](#) (Attachment C), which addresses the nature of the relationships with employees of the College that may be established as a result of the proposed contract.

- (6) Upon notification by the Assistant Vice Chancellor for Financial Services that the contract has received all necessary College and external (if required) approvals, serve as liaison between the College and the contractor for the duration of the contract.
- (7) Monitor and maintain proper documentation of contractor's performance (e.g., sign-in logs, reports, file of deliverables, etc.), which also includes submission of [Contractual Evaluation Form for Continuing Services Contracts – Performance Evaluation](#) (Attachment E) within thirty (30) days of contract completion for contracts over \$2,000. This documentation must be kept on file for a minimum of three (3) years.
- (8) After all contracted services or after the specified portion of services in accordance with the contract's payment schedule have been provided, submit to the Assistant Vice Chancellor for Financial Services completed invoice(s) from the contractor that must include:
  - Contractor's name
  - Contractor's mailing address
  - Contractor's federal tax identification number
  - Description of services performed
  - Inclusive dates of contract
  - Amount of funds due

The invoice(s) must be signed by the College employee who is designated on the contract to have the authority to approve payments.

B. The Assistant Vice Chancellor for Financial Services will:

- (1) Ensure that all contracts for professional, personal, consulting and social services are properly prepared.
- (2) Ascertain if funds are budgeted and available and secure approval signatures of the Vice Chancellor for Business and Administrative Affairs (on all contracts) and the Chancellor (on contracts of \$5,000 or more).
- (3) Complete additional approval procedures if required in accordance with OSP regulations. For contracts of \$20,000 or more, this requires submitting contracts to OSP (and the Louisiana Department of State Civil Service, if applicable) for external approval.
- (4) Notify the initiating department that all appropriate internal and external (if required) approvals have been received and that the contractor may begin providing the contracted services.

- (5) Upon receipt of completed invoices, process contractor's payments in accordance with the contract's specified payment schedule.
- (6) Submit quarterly reports of internal contracts of \$2,000 or more to the Office of State Procurement and the Board of Supervisors for the LCTCS.

12. **Cancellation**

This policy and procedures memorandum cancels DCI 3311.1B, *Contracts for Professional, Personal, Consulting, and Social Services*, dated September 15, 1986.

*Policy Reference:*

Delgado Policy and Procedures Memorandum BA-3300.1A, [Purchasing Procedures](#)  
Louisiana Revised Statutes, Chapter 17, *Louisiana Procurement Code*, Title 39:  
Sections 1551-1755

*Review Process:*

Ad Hoc Committee on Professional Services Contract Policy and Procedures 3/13/03  
Business Affairs Council 4/22/03  
Executive Council 5/20/03

*Distribution:*

Distributed Electronically Via College's Intranet and E-Mail System

*Attachments:*

- Attachment A - [Contract for Professional, Personal, Consulting and Social Services](#)  
(Form 3311/001)
- Attachment B - [Sample Certification Letter](#)
- Attachment C- [Civil Service Contract Review Form \(Form #CSCR1\)](#)
- Attachment D- [Retirement Membership Disclosure Form](#)
- Attachment E- [Contractual Evaluation Form For Continuing Services Contracts – Performance Evaluation](#) (Attachment E)