

Consultant Agreements

No consultant should begin work until the consultant agreement has been fully executed.

Ensure the funds are available.

Seek Board approval if the consultant expense exceeds \$25,000.

Ensure all necessary approvals are secured in a timely manner (including Federal Funding).

Form 1295 may be required.

Consultant Agreement Packet consists of the following:

- Completed Consultant Agreement Form
- Scope of Work
- W-9 Form
- Suspension and Debarment Certification
- Form 1295, if applicable

Instructions for Completing Packet

1. Scope of Work:

- A **Scope of Work** is a framework document that will outline the work that will be performed under a contract.
- This document is not an actual contract, but it will detail the expectations for the job or project.
- Should be written by the Consultant
- Should be written on Consultant's letter head
- Should include the overall description of the work
- Should include the start date and end date
- Should include the fee or amount charged **(all expenses should be included i.e., travel, copies & materials)**
- Should include the type of work to be performed and/or the audience
- Do not submit an invoice with your consultant agreement
- Services should not begin until an official purchase order has been issued
- **Consultant Agreement forms should not be modified**

2. W-9 Form

- If you are a new vendor to the District a W-9 will need to be completed and returned with consultant agreement
- Vendors **cannot** be added with a completed and signed W-9

3. Suspension and Debarment Certification

- Federal Executive Order (E.O) 12549 “Debarment and Suspension” requires that all contractors receiving individual awards, using federal funds for \$25,000 or more, and all sub recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.
- A statement from a vendor or service provider that their company, and its principals have not been debarred, suspended, proposed for debarment, declared ineligible, are not in the process of being debarred, or are voluntarily excluded from conducting business with federal department or agency of the federal government.
- Suspension and Debarment Certification Form will need to be completed and returned with consultant agreement

4. Form 1295 Instructions (**Only required if Board approval is needed**)

- Effective January 1, 2016, a governmental entity may not enter into a contract requiring board approval, unless the business entity submits a Disclosure of Interested Parties (Form 1295) at the time the business entity submits the signed contract.
- A business entity must file Form 1295 electronically with the Texas Ethics Commission using the Commission’s online filing application (answer the questions completely).
- The application can be found at:

https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm
- A copy of the form is attached as reference



Port Arthur Independent School District

CONSULTANT AGREEMENT FORM

THIS AGREEMENT, entered into this ___ the day of ____, 20___, by and between the Port Arthur Independent School District, hereinafter referred to as the "District", and _____, hereinafter referred to as the "Consultant", is as follows:

1. The Consultant shall, in a satisfactory and proper manner as determined by the District, perform the services shown in the Consultant proposal and attached as Exhibit A to this contract. All proposals shall state specific deliverables and timelines for performance.
2. The Consultant shall commence performance of the Agreement on the ___ day of ____, 20___, and shall complete performance to the satisfaction of the District no later than the ___ day of ____, 20___.
3. Any invoice received after 60 days will not be honored.
4. The District may terminate this agreement for any reason by providing written notice to the Consultant firm by first-class mail at the address shown below.
5. District and Consultant have reviewed IRS Common Law Rules and agree none of the three (3) categories shown below is applicable. Signatures below confirms compliance.

Campus: _____																																					
Consultant Fees				FEES AND BUDGET																																	
_____ hours at \$ _____ per hour				\$ _____																																	
_____ days at \$ _____ per day				\$ _____																																	
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; padding: 5px;">Special Revenue?</td> <td style="width: 10%; padding: 5px;">FUND</td> <td style="width: 10%; padding: 5px;">FUNC</td> <td style="width: 10%; padding: 5px;">OBJECT</td> <td style="width: 10%; padding: 5px;">SUB-OBJ</td> <td style="width: 10%; padding: 5px;">ORG</td> <td style="width: 10%; padding: 5px;">FISC</td> <td style="width: 10%; padding: 5px;">PROG</td> <td style="width: 10%; padding: 5px;">LOCAL OPT CODES 3,4,5</td> <td style="width: 10%; padding: 5px;">P.O. #:</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> Y <input type="checkbox"/> N</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td style="padding: 5px;">_____</td> </tr> <tr> <td style="padding: 5px;">_____ Grant Manager</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>								Special Revenue?	FUND	FUNC	OBJECT	SUB-OBJ	ORG	FISC	PROG	LOCAL OPT CODES 3,4,5	P.O. #:	<input type="checkbox"/> Y <input type="checkbox"/> N									_____	_____ Grant Manager									
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_____ Grant Manager																																					

NOTICE TO CONSULTANT: Any changes made in provisions above will nullify agreement.

PORT ARTHUR INDEPENDENT SCHOOL DISTRICT

Signed (Consultant)

NOTE: Consultant is to sign this form and return it along with Suspension & Debarment & Scope of Work.

If \$25,000 (or over), must be Board Approved and Form 1295 submitted before a purchase order is issued

Requestor (If using Special Revenue funds, approval must be obtained before any approvals below) _____ Date _____

Administrator with Signature Authority (School & Department Budgets Only) _____ Date _____

Asst. Superintendent _____ Date _____

Comptroller _____ Date _____

Superintendent _____ Date _____

Type of Business (Check One)

- Previous PAISD Employee
- Sole Proprietor or Individual
- Partnership
- Corporation

Minority/Women Owned Business:

Yes No

If Individual, give Social Security Number.

If Corporation, give Tax ID Number.

SSN or TIN: _____

Address: _____
(Please Print or Type)

By: _____ Date _____
Consultant

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification: <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ <input type="checkbox"/> Exempt payee <input type="checkbox"/> Other (see instructions) ▶ _____	
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	City, state, and ZIP code	Port Arthur Independent School District 4801 9th Avenue Port Arthur, TX 77642
List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)																															
Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> on page 3.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="10" style="text-align: center;">Social security number</td> </tr> <tr> <td style="width: 30px;"> </td><td style="width: 30px;"> </td><td style="width: 30px;"> </td><td style="width: 30px;"> </td><td style="width: 30px;"> </td><td style="width: 30px;"> </td><td style="width: 30px;"> </td><td style="width: 30px;"> </td><td style="width: 30px;"> </td><td style="width: 30px;"> </td> </tr> <tr> <td colspan="3">-</td> <td colspan="4">-</td> <td colspan="3"></td> </tr> </table>	Social security number																				-			-						
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Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="10" style="text-align: center;">Employer identification number</td> </tr> <tr> <td style="width: 30px;"> </td><td style="width: 30px;"> </td><td style="width: 30px;"> </td><td style="width: 30px;"> </td><td style="width: 30px;"> </td><td style="width: 30px;"> </td><td style="width: 30px;"> </td><td style="width: 30px;"> </td><td style="width: 30px;"> </td><td style="width: 30px;"> </td> </tr> <tr> <td colspan="3">-</td> <td colspan="7"></td> </tr> </table>	Employer identification number																				-									
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Part II Certification	
Under penalties of perjury, I certify that:	
1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and 3. I am a U.S. citizen or other U.S. person (defined below).	
Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.	

Sign Here	Signature of U.S. person ▶	Date ▶
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.



Instructions - Form 1295

Effective January 1, 2016, a governmental entity may not enter into a contract requiring board approval, unless the business entity submits a Disclosure of Interested Parties (Form 1295) at the time the business entity submits the signed contract.

The following definitions apply:

1. "Interested Party" means a person:
 - a. Who has a controlling interest in a business entity with whom a governmental entity contracts: or
 - b. Who actively participates in facilitating the contract or negotiating the terms of the contract, including a broker, intermediary, adviser, or attorney for the business entity.
2. "Intermediary" means "a person who actively participates in the facilitation of the contract or negotiating the contract, including a broker, adviser, attorney, or representative of or agent for the business entity who:
 - a. Receives compensation from the business entity for the person's participation;
 - b. Communicates directly with the governmental entity or state agency on behalf of the business entity regarding the contract; and
 - c. Is not an employee of the business entity
3. "Business Entity" means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, or corporation. "Business entity" includes a for-profit or nonprofit entity. The term does not include a governmental entity or state agency.
4. "Contract" includes an amended, extended, or renewed contract.
5. "Controlling Interest" means:
 - a. An ownership interest or participating interest in a business entity by virtue of units, percentage, shares, stock, or otherwise that exceeds 10 percent;
 - b. Membership on the board of directors or other governing body of a business entity of which the board or other governing body is composed of not more than 10 members; or
 - c. Service as an officer of a business entity that has four or fewer officers, or service as one of the four officers most highly compensated by a business entity that has more than four officers."

A business entity must file Form 1295 electronically with the Texas Ethics Commission using the Commission's online filing application, which can be found at:

https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

Upon board approval of contract, the business entity must **print a copy** of the completed form, which will include a certification of filing containing a unique certification number. The Form 1295 must be **signed by an authorized agent** of the business entity, and **the form must be notarized**. The business entity must then submit the completed, signed, notarized Form 1295 to the purchasing department in PDF form to jescobedo@paisd.org or deborah.bergeron@paisd.org and the original mailed to PO Box 1388, Port Arthur, TX 77641.

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

OFFICE USE ONLY

Complete Nos. 1 - 4 and 6 if there are interested parties.
 Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the goods or services to be provided under the contract.

Please use RFP/CSP # or if a consultant, please use Business Entity Name-PAISD in addition to description.

4 Name of Interested Party	City, State, Country (place of business)	Nature of Interest (check applicable)	
		Controlling	Intermediary

5 Check only if there is NO Interested Party.

6 AFFIDAVIT I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.

 Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this the _____ day of _____, 20_____, to certify which, witness my hand and seal of office.

 Signature of officer administering oath

 Printed name of officer administering oath

 Title of officer administering oath

ADD ADDITIONAL PAGES AS NECESSARY