

CHAPTER 13 CONSULTANT AGREEMENTS

13-1 CONSULTANT AGREEMENTS

For additional information, please go to the Purchasing Department website at <https://www.palmbeachschools.org/Domain/486>.

- Consultant expenditures must be encumbered as a PeopleSoft requisition (Special Request) or an Internal Accounts Purchase Order (PBSD 1882). If requesting a PeopleSoft purchase order for any amount or an Internal Purchase Order over \$5,000, a copy of the appropriately signed contract **MUST** be forwarded to the Purchasing Department. When entering a requisition in PeopleSoft using budgeted funds and the consultant is not an existing supplier in PeopleSoft use the “Suggest New Supplier” field and request Purchasing will then set up the vendor in PeopleSoft.
- A Consultant Agreement contract is not required when training services are included in the purchase of a product such as software or books.

CONSULTANT AGREEMENT –

- Form PBSD 1420 is used for all Consultants and is available in PDF from the School District website - Forms Library.
- Consultant Agreement contracts under \$5,000:
 - Requires signatures of the Consultant and the principal/District director. If using internal funds, attach the signed agreement to the check requisition. If using budgeted funds, attach the signed Consultant Agreement contract to the PeopleSoft requisition. Principals and District Directors are authorized to approve Consultant Agreements up to \$5,000 per supplier, per fiscal year.
- Consultant Agreement contracts over \$5,000 (internal or budgeted funds)
 - Requires signatures of by the Consultant, Principal/District Director and Regional/Assistant Superintendent prior to submitting to Purchasing Department to complete the process.
- Prior to services being performed, Consultant Agreement contracts must be completed, signed and a contractor badge must be issued by School Police, when applicable. Additionally, If using budgeted funds, a PeopleSoft Purchase Orders must be dispatched to the contractor prior to services being performed.
- Consultant Agreement contracts over \$25,000 accumulated per school/department per fiscal year are required to obtain School Board approval.
- Consultant Agreement contracts \$5,000 to \$25,000 per school/department per fiscal year, amendments to previously approved contracts, or contracts not created on the District standard 1420 contract must be approved by the Office of General Counsel. Documents should be forwarded to the Purchasing Department for submittal to the Office of General Counsel.
- A completed, signed and notarized Beneficial Interest and Disclosure of Ownership Affidavit (Page 7 of PBSD 1420) must be attached to each contract.
- A Consultant Evaluation Form (Page 8 of PBSD 1420) must be attached to the contract
- A requisition must be entered in PeopleSoft prior to submittal of the Consultant Agreement to Purchasing.
- Original Consultant Agreement contracts will be returned to the originating school/department after Board approval, required signatures are obtained and the purchase order has been issued.

Purchasing Manual – Chapter 13

The Purchasing website lists the dates that you must have your contract submitted to Purchasing for each monthly Board meeting. You are encouraged to review those dates to ensure services are not delayed. It is important that you allow adequate time for completion of the review and approval of all documentation.

13.2 CONSULTANT AGREEMENT FORMS CHECKLIST

(Please ensure you have the most updated forms)

- Download Form 1420 to your computer and fill out the form. This must be done by the school or department, not the consultant.
- Please fill in all of the appropriate areas. Incomplete contracts may delay services.
 - Internal Funding Under \$5,000 accumulated per supplier per fiscal year per school does not need Purchasing approvals. Original contract should be kept for your records.
 - Contracts over \$5,000 accumulated per supplier per fiscal year per school should be forwarded to Purchasing for processing.
 - Budgeted Funds
 - All contracts regardless of the dollar amount should be forwarded to Purchasing. Consultant Agreement contracts in the amount of \$5,000 or more per supplier per fiscal year per department/school may be attached to the requisition. All others forwarded to the Purchasing Department, Attn: Purchasing Agent for processing.
- Consultant Agreement contracts \$5,000 or less accumulated per supplier per fiscal year per school or department require signatures of the consultant and Principal/ District Director.
- Consultant Agreement contracts from \$5,000 to \$25,000 accumulated go to the Superintendent and require the consultant, the Principal/District Director, and the Regional/Assistant Superintendent signatures.
- Consultant Agreement contracts over \$25,000 accumulated go to the Board and require the consultant, the Principal/District Director and the Regional/Assistant Superintendent signatures.
- Please submit the completed Consultant Agreement contract with the appropriate signatures to Purchasing. Purchasing will forward the contract to the Office of General Counsel if required.
- If additional signatures are required, Purchasing will obtain them for you.

1997 Beneficial Interest and Disclosure Form

- The Beneficial Interest and Disclosure Form should be attached to each contract. This form acknowledges the owner of the company and assist in avoiding conflicts of interest. Any Company, LLC, or Corporation must fill out the form and have it notarized.
 - There are three exemptions to this form, but the appropriate areas should be filled in:
 - The exemptions would be
 - Individuals
 - Government Colleges and Universities
 - Not for Profit Organizations

Purchasing Manual – Chapter 13

Consultant Evaluation

- This form must be filled out indicating the consultant's name and dates for the services that will be performed. Do not complete the evaluation form until the services have been fully rendered. Office of Legal Counsel requires each contract have one attached.

2220 Student Information Contract/Agreement Addendum

- If the consultant will have access to student information Section 1 should be filled in indicating what information will be shared.

2496 Hold Harmless Agreement

- If required by the Risk & Benefits Management Department, this form must be filled out and signed by the consultant.
- A Certificate of Insurance must also be included with the Consultant Agreement contract.

1843 Amendment to Consultant Agreement

- If additional funds, time, and/or services are required, an Amendment to the contract must be created. Follow the same guidelines stated above regarding signatures. If the contract you want to amend has ended, it cannot be amended. A new contract will be required.

ADDITIONAL FORMS IF GOING TO BOARD

Data Panel

Principals and Principal Supervisors will determine if the development of a data panel is needed. If data panel is created, it should be attached to the Consultant Agreement.

A data panel shows the need for the services. Examples would be to increase test scores, decrease dropout rates, etc. The EDW (Educational Data Warehouse) has state and national assessment scores for each school. Staff in each school has access to this site. If the assessment scores do not apply to your service, you will need to create a similar example. Do not submit a panel containing student names, numbers or grades. These panels are added to the board agenda and can be viewed by the public.

13-3 CONSULTANT PROCESS – LEGAL REVIEW

The Office of General Counsel is available to review **MUST** review and approve all contracts being submitted to the Superintendent or the School Board.

It is suggested that you speak to the consultant regarding availability and price, prepare the contract and have the Office of General Counsel review prior to having the consultant sign. This will facilitate a smooth implementation of any changes made by Legal. **Please remember to use the transmittal Form 1733 when forwarding documents to Legal for approval.**

Purchasing Manual – Chapter 13

13.4 BACKGROUND CHECKS AND FINGERPRINTING OF CONSULTANTS

- See the School Police Department webpage for requirements and fees.

<https://www.palmbeachschools.org/cms/one.aspx?pagelId=6252328>

NOTE: The background checks and fingerprinting component is required for all consultants, but may be waived if the principal / department head attests that no child will be present during the consultant's scope of work and that consultant will be accompanied and supervised by a District employee at all times as required.

13-5 REQUIRED DOCUMENTATION FOR CONSULTANT PAYMENTS

Payment for consultant services is available through the PeopleSoft receipt process. Receipt of the Purchase Order in PeopleSoft authorizes Accounts Payable to make a payment in that amount to the supplier.

All invoices should be sent to Accounts Payable, via apinvoice@palmbeachschools.org. When a "match" exists between the invoice, receipt and purchase order, payment will be scheduled in accordance with the payment terms.

After entering your receipt in PeopleSoft, complete the supplier evaluation and submit to the Purchasing Agent.

13-6 TRAVEL

Consultants who travel at the School District's expense follow the same District travel policy as District employees for reimbursement purposes. All reimbursable travel expenses for consultants must be documented by receipts for lodging, tolls, airfare, etc. to be eligible for reimbursement. Consultants may not be reimbursed for undocumented or unreasonable travel expenses.

13-7 EMPLOYEES AS CONSULTANTS

Florida Statute 112.313 prohibits a District employee acting in a private capacity, from providing services as a consultant to their agency or political subdivision. If you are a school-based employee, your agency is your school, and your political subdivision is the District, which includes any school within the District. In most instances an employee may not work as a consultant.

However, under limited circumstances, an employee is eligible to work as a consultant, provided the consulting arrangement falls within the exception of Florida Statute 112.313(15), and is not in conflict with Board Policy 3.02, Code of Ethics.

The applicable exception listed in Florida Statute 112.313(12) is:

- The total amount of the transaction in the aggregate between the business entity and the agency does not exceed \$500 per calendar year.

Finally, should an employee need further guidance, they may seek an opinion from the Florida Commission on Ethics.