

CONSULTANTS

On occasion, the need exists to hire consultants/professional experts to perform unique, specialized, technical, and/or professional services. Consultants do not include maintenance, safety, and utility services. The Board of Trustees shall be the employing authority of consultants.

Authorization for Retention of Consultants

All contracts between the district and consultants/professional experts shall conform to the standards required by law. All contracts in excess of \$5,000 shall be approved by the Board prior to services being rendered. Services may be rendered prior to receiving Board approval only if the Superintendent has approved the contract. The Superintendent or his/her designee is authorized to approve contracts between the district and consultants/professional experts that do not exceed \$5,000. If the Superintendent or his/her designee authorizes a contract less than \$5,000, he/she shall provide the Board with a report of such agreements at the next regularly scheduled Board meeting.

Consultants Defined

1. Professional Experts (Must complete a consultant packet)
 - a. Lecturer/Presenter
 - b. Retired Employee
 - c. Professional Development
 - d. Supplemental Educational Services

The employment of a professional expert is for a specific function and is not a district employee. The professional expert may or may not hold his/her own business license but, as with the independent contractor, he/she is free to work when, for whom, and for as many employers as he/she pleases.

2. Public Agencies/Non-Profit Organization (No consultant packet required)

These agencies would enter into a Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA) with the district. (MOU or MOA must be in place).

CONSULTANTS (continued)3. Professional Contracts (No consultant packet required)

Furnishes the district special services and advice in financial, economic, accounting, engineering, legal, or administrative matters through persons specially trained and experienced and competent to perform the special services required that does not fall into any of the categories in item 1 (Government Code Section 53060). Contract must be in place.

Unauthorized Retention of Consultants

Any person who violates this administrative regulation and who makes unauthorized commitments may be held personally liable to make payment for any consultant services rendered.

Contracts for Professional Experts

1. Consultants are independent contractors.
 - a. An independent contractor is free to work when, for whom, and for as many employers as he/she pleases and is usually in a position to realize a profit or suffer a loss as a result of his/her services. Typically the independent contractor will hold his/her own business license, supply own advertising, and make his/her services available to the general public.
 - b. An independent contractor is free of employment from the district unless employed in accordance with a contractual agreement to serve for a specified period of time or to serve as a consultant for a specified project.
 - c. Contract must be in place.
2. All travels costs must be included in the consultant agreement or purchase order prior to approval, or those costs will not be reimbursed. All travel costs will be paid by commercial warrant and must be supported by receipts for actual expenses.
3. If a payment schedule is contained within the contract agreement, partial payments may be made.
4. Health and welfare benefits or other benefits currently covered by a bargaining unit, as well as for confidential or management employees shall not apply to consultant services.
5. A purchase order may serve as a legal, binding contract between the district and consultant. This does not preclude the need for prior Board approval, consultant packet or MOU/MOA as defined in this administrative regulation.

CONSULTANTS (continued)

6. All business entities contracting with the district as a consultant must provide the following documentation:
 - a. Criminal Clearance Certification
 - b. W-9 form
 - c. Form 590 - Withholding Exemption Certificate (as required)

7. All individuals (not business entities) contracting with the district as professional experts must provide the following documentation:
 - a. Consultant/Professional Expert Agreement
 - b. Criminal Clearance Certification (as required)
 - c. W-4 Form
 - d. I-9 (Employment Eligibility Verification)
 - e. I-30 (only if a retired member of STRS)
 - f. Copy of Drivers License
 - g. Copy of Social Security Card

8. The district may contract with retired certificated employees of the district or of the County Superintendent of Schools for consultant or professional expert services in accordance with Education Code 35046.