

DEFINITIONS

For purposes of this policy:

1. "Consulting Services" means the service of studying or advising a state agency under a contract that does not involve the traditional relationship of employer and employee.

**Gov't Code 2254.021(1)**

2. "Major Consulting Service" means a consulting services contract for which it is reasonably foreseeable that the value of the contract will exceed \$15,000.00.

**Gov't Code 2254.021(2)**

3. "Consultant" means a person that provides or proposes to provide a consulting service.

**Gov't Code 2254.021(3)**

4. "Professional Services" means services within the scope of the practice, as defined by state law, of: accounting; architecture; landscape architecture; land surveying; medicine; optometry; real estate appraising; professional engineering; professional nursing; forensic science; provided in connection with the professional employment or practice of a person who is licensed or registered as: a certified public accountant; an architect; a landscape architect; a land surveyor; a physician, including a surgeon; an optometrist; a professional engineer; a state certified or state licensed real estate appraiser; or a registered nurse; forensic analyst or forensic science expert; or provided by a person lawfully engaged in interior design.

**Gov't Code 2254.002**

5. "Other Services" means the furnishing of skilled or unskilled labor or professional work but does not include "professional services" or "consulting services."

**Gov't Code 2155.001(2)**

CONSULTING SERVICES  
REASONS FOR  
CONSULTING  
SERVICES

The School may contract with a private consultant only if there is a substantial need for the consulting services; and the School cannot adequately perform the services with its own personnel or obtain the consulting services through a contract with another state agency.

**Gov't Code 2254.026**

SELECTION

In selecting a private consultant, the School shall base its choice on demonstrated competence, knowledge, and qualifications and reasonableness of the proposed fee for the services; and if other considerations are equal, give preference to a private consultant whose principal place of business is in the state or who will manage the consulting contract from an office in the state.

**TEXAS SCHOOL FOR THE DEAF**

**BOARD INTERNAL ORGANIZATION:  
CONSULTANTS**

**BDE**

**Gov't Code 2254.027**

BOARD APPROVAL	The Board shall approve all contracts for consulting services when the contract cost exceeds \$15,000.
PROCUREMENT	The School shall comply with the provisions of Texas Government Code, Chapter 2254 in procuring consulting services.
MAJOR CONSULTING SERVICES CONTRACT	Before entering into a major consulting services contract, the School shall notify the Legislative Budget Board and the governor's Budget and Planning Office that the agency intends to contract with a consultant; give information to the Legislative Budget Board and the governor's Budget and Planning Office to demonstrate that the agency has complied or will comply with Gov't Code 2254.026 and 2254.027; and obtain a finding of fact from the governor's Budget and Planning Offices that consulting services are necessary.

**Gov't Code 2254.028**

PROFESSIONAL SERVICES BOARD APPROVAL	The Board shall approve all professional services contracts when the contract cost exceeds \$15,000.
PROCUREMENT	TSD may not select a provider of professional services or a group or association of providers or award a contract for the services on the basis of competitive bids submitted for the contract or for the services, but shall make the selection and award:

1. on the basis of demonstrated competence and qualifications to perform the services and
2. for a fair and reasonable price.

The professional fees under the contract may not exceed any maximum provided by law.

**Gov't Code 2254.003**

In the judgment of the Superintendent, if a consulting or professional services is needed prior to the next regularly scheduled Board meeting when the Board would otherwise approve the contract, the Board delegates to the Superintendent authority to enter into a contract.

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