

APPENDIX E: CONSULTING

In general, a "Professional Services Form" and "Consulting Agreement" must be forwarded to TEES for each consulting agreement that your department will enter into during the fiscal year prior to commencement of services, regardless of TEES source of funds. If the cost of a consulting contract is expected to exceed \$15,000.00, state or local funds, then a "Professional Services Form" and a "Consulting Agreement" must be forwarded to TEES **no later than 60 days prior to commencement date of the services**. This allows TEES to comply with oversight requirements in TEX. GOV'T ANN. Chapter 2254.

TEES will use the information provided on the "Professional Services Form" to determine whether any type of reporting is required to be made to the State. The State distinguishes consulting services from professional services through the following definitions:

Consulting Service - The practice of studying an existing or a proposed operation or project of a state agency and advising the agency with regard to the operation or project. The term consulting service does not include services connected with the routine work necessary to the functioning of an agency's programs.

Professional Service - Those services within the scope of the practice of accounting, architecture, optometry, medicine or professional engineering as defined by the laws of the State of Texas, or those services performed by any licensed architect, optometrist, physician, surgeon, certified public accountant, or professional engineering in connection with his professional employment or practice.

Your department will receive an approved copy of the Consulting Agreement and Professional Services Form after processing is complete. A copy of this approved form **MUST** be attached to the purchase voucher, submitted to the TEES Fiscal Office for payment. In addition, we will check the TAMUS employee listing to ensure that the payee has not been an employee during the preceding twelve months. HB 1, 75th Legislature Article IX, Sec. 52, states:

None of the funds appropriated to a department or agency may be used to enter into a consultant contract with any individual who has been previously employed by the department or agency within the past twelve months.

The following statement of verification should be included on each voucher paying for consulting services. "This consultant has not been an employee of the TAMU System within the past twelve months."