

POLICIES AND PROCEDURES GOVERNING PURCHASING

PROFESSIONAL, PERSONAL, CONSULTING AND SOCIAL SERVICES

SOUTHERN UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE SYSTEM

BATON ROUGE CAMPUS (INCLUDING LABORATORY SCHOOL)

NEW ORLEANS CAMPUS

SHREVEPORT-BOSSIER CAMPUS

LAW CENTER

AGRICULTURAL, RESEARCH, & EXTENSION CENTER



**ADMINISTRATIVE AND FISCAL POLICIES AND PROCEDURES
MEMORANDUM NO. 2**

**Revised
April 17, 2018**

SOUTHERN UNIVERSITY SYSTEM

PROFESSIONAL, PERSONAL, CONSULTING AND SOCIAL SERVICES

GENERAL AUTHORITY

As an agency of the State of Louisiana, Southern University is subject to the provisions of the various procurement regulations. This policy sets forth the University's position as it relates to the Procurement of Professional, Personal, Consulting and Social Services in accordance with Louisiana Revised Statutes 39:1590; 39:1567; 39:1490B, and Acts 87 of 2015, as amended by Acts 408 and 589 of the 2016 Regular Session of the Legislature, and the Office of Procurement/Office of Contractual Review (OCR), Division of Administration, State of Louisiana.

PROFESSIONAL, PERSONAL, CONSULTING AND SOCIAL SERVICES DEFINED

1. **Professional Services** – work rendered by an independent contractor who has a professed knowledge of some department of learning or science used by its practical application to the affairs of others or in the practice of an art founded on it including, but not limited to lawyers, doctors, dentists, veterinarians, architects, engineers, landscape architects, accountants and claim adjusters. A profession is a vocation founded upon prolonged and specialized intellectual training which enables a particular service to be rendered. The word “professional” implies professed attainments in special knowledge as distinguished from mere skill. For contracts with a total amount of compensation of \$50,000.00 or more, the definition of professional service shall be limited to lawyers, doctors, dentists, veterinarians, architects, engineers, landscape architects, accountants, claim adjusters and any other profession that may be added by regulations adopted by the Procurement Office/Office of Contractual Review of the Division of Administration.
2. **Personal Services** – work rendered by individuals which requires the use of creative or artistic skills, such as but not limited to, graphic artists, sculptors, musicians, photographers, and writers or which requires the use of highly technical or unique individual skills or talents, such as, but not limited to, paramedics, therapists, hand writing analysts, foreign representatives and expert witnesses for adjudications or other court proceedings.
3. **Consulting Services** – work, other than professional, personal or social service, rendered by either individuals, or firms who possess specialized knowledge, experience, and expertise to investigate assigned problems or projects and provide counsel, review, design, development, analysis, or advice in formulating or implementing programs or services or improvements in programs or services, including, but not limited to, such areas as management, personnel, finance, accounting, planning, data processing, and advertising contracts except for printing associated therewith.

The term “consulting services” includes the procurement of supplies and services by a contractor without the necessity of complying with provisions of the Louisiana Procurement Code when such supplies and services are merely ancillary to the provision of consulting services under a contingency fee arrangement, even though the procurement of such supplies or services directly by a governmental body would require compliance with the Louisiana

Procurement code. Supplies or services ancillary to the provision of consulting services are those supplies or services which assist the contractor in fulfilling the objective of his contract where the cost for such supplies and services is less than the cost of providing consulting services, as determined by the using agency. No contract for consulting service as defined in this subparagraph shall be entered into unless it has been approved in advance by the joint Legislative Committee on the budget.

4. **Social Service** – means work rendered by any person, firm, corporation, organization, governmental body, or governmental entity in furtherance of the general welfare of the citizens of Louisiana, including but not limited to the following objectives;

A. Rehabilitation and Health Support: Services rendered by a contractor with special knowledge or service available to assist individuals to attain or maintain a favorable condition of physical and/or mental health. These services include but are not limited to health-related counseling; alcohol or drug abuse training and treatment; training to support emergency medical services; services to support family planning; counseling, delinquency prevention; genetic disease evaluation and counseling, community-based medical support services; evaluation and training of physically/mentally handicapped; and other services in support of same.

B. Rehabilitation and Socialization: services rendered by a contractor with special knowledge to assist specified client groups to enhance their self-sufficiency or alleviate their dependency and/or isolation from the community. Services include, but are not limited to day care; work and training; early intervention for the mentally retarded, developmentally delayed, or physically handicapped; transportation for service access; homemaker, home management, and housing improvement services; in-home and out-of-home respite care; socialization services for low income and other special needs groups; nursing home ombudsman; nutritional, employment, case management, senior center activities, or other services to aid independent living by the elderly, and training and community planning services for same.

C. Protection for Adults and Children: Services rendered by a contractor to provide therapeutic intervention for adults or children who are in danger of or threatened with danger of physical or mental injury, neglect, maltreatment, extortion, or exploitation, including victims of family violence. These services include, but are not limited to community planning for neglect/abuse; adoption; substitute care; education and training; crisis intervention type services; emergency shelter for victims of rape/family violence or services in support of same; training and evaluation services for same.

D. Improvement of Living Conditions and Health: Services rendered by an authorized contractor with special knowledge or services available to assist individuals to attain or maintain favorable conditions in which to live. These services include but are not limited to:

(1) Distribution of foodstuffs either purchased or that are made available from government-owned commodities,

- (2) Determining the needs of the poor, and development of programs to distribute the available resources,
- (3) Determining the needs of the poor and identifying programs to alleviate these poverty conditions,
- (4) Provide services to respond to the educational/employment needs of eligible individuals in the communities needing these services. The primary purpose of this service is to provide the participating individuals with the skills necessary for them to advance socially academically and occupationally,
- (5) Providing training and evaluation of services for any of the above services.

E. Evaluation, Training and Remedial Educational Services for Exceptional Handicapped or Learning Disabled Nonpublic School Students: Services rendered by a contractor with special knowledge or services available to provide special educational and related services for exceptional or handicapped students voluntarily enrolled in approved nonpublic schools of Louisiana who are not otherwise provided with such services through either their local school program or through other services afforded to them by local school boards or other public agencies. These services may include but are not limited to identification, assessment, appraisal, and evaluation of exceptional or handicapped children; development of individualized educational programs, and the providing of instructional and supportive services to such eligible students in accordance with the provisions of L.R.S. 17:1941, et seq. Act 754 of 1977) and P.L. 94-142 and their regulations.

- 5. Performance-based energy efficiency contract means a contract for energy efficiency services and equipment in which the payment obligation for each year of the contract is either: (1) set as a percentage of annual energy cost savings attributable to the services or equipment under the contract, or (2) guaranteed by the person under contract to be less than the annual energy cost savings attributable to the services or equipment under the contract.

Any state agency, board, or commission may enter into a performance-based energy efficiency contract for services and equipment. Any such agency, board or commission shall contact the Division of Administration for assistance in preparation of the requests for proposals, analysis of the proposals, and development of the contract. The contract shall be considered a consulting services contract.

Performance-based energy efficiency contracts shall be awarded through a request for proposal process. Any performance-based energy efficiency contract entered into shall be for a period not to exceed 10 years and shall contain a guarantee of energy savings.

- 6. Interagency contracts between governmental entities as defined in L.R.S. 39:1484 (23) for any of the services enumerated in 1,2,3,4 or 5 above shall be governed by these regulations, except that contracts between boards of higher education and their respective institutions shall be exempt.
- 7. No University employee shall enter into any contract or subcontract which is under the supervision or jurisdiction of the University for the Services listed above. Compensation of this nature will be governed by the University's Extra Compensation Policy for all employees. (See Administrative and Fiscal Memo No. II, dated November 1, 1980).

CONTRACT SUBMISSION AND APPROVAL

A contract for Professional, Personal, Consulting and Social Services to be rendered shall be prepared and submitted to the Purchasing Department that is responsible for making sure they are properly prepared and executed. The contract will be signed by the President/Chancellor and forwarded through the Purchasing Department to the System Vice President for Finance & Business Affairs & Comptroller and the Vice Chancellor for Finance and Administration for all services falling into the above stated categories. Approval must be obtained prior to the services being performed.

All requests for small Professional Services performed, that are \$2,000.00 or less, do not require a contract but must prepare and attach a Purchase Requisition, a W-9 Tax ID Form, a Consultant Authorization Form and attach a quote from the vendor.

All contracts prepared for a dollar amount over \$2,000.00 but less than \$20,000.00 shall require approval of the Campus Chancellor and the System Vice President for Finance and Business Affairs and Comptroller

All contracts prepared for a dollar amount of \$20,000.00 or greater must be signed and approved by the Campus Chancellor and the President of the Southern University System.

The following contract classifications are exempted from submission to the State Civil Service Office: Athletic game officials, announcers, interpreters for the hearing impaired, artist recitals, lecturers, visiting professors, photographers, caterers and building maintenance services. Southern University has received delegated authority from the State Civil Service Office to approve these contract classifications.

All Professional Services that are \$50,000.00 or greater must be procured through a Request for Proposal (RFP) process.

All non-federal Professional, Personal, Consulting and Social Services contracts, in amounts that are \$50,000.00 or greater, shall require prior review by the Southern University Board of Supervisors, before being submitted to the Division of Administration.

No contract shall be valid until all approvals have been obtained.

Contractor's signature is required before submitting documents to the Purchasing Department.

CONTRACT CONTENT

Each contract for Professional, Personal, Consulting or Social Services shall include the following:

1. Name of agency, contractor, address (including Zip Code and email address)
2. Name of person responsible for executing request for payment and certifying that the work or services contracted for has been performed as agreed;
3. Description of the work to be performed and objectives to be met;
4. Amount and time of payments to be made;
5. Circumstances under which the contract can be terminated with or without fault and the remedies for default; Must contain 30 day termination at convenience of the state unless justified and approved by the Director of the Office of Professional Contracts.
6. Responsibility for the payment of taxes when applicable;
7. Assignability Clause;
8. Statement giving the Legislative auditor the authority to audit records of the

Individual or firm;

9. Date upon which the contract is to begin and terminate;
 10. Contains required anti-discrimination language (ADA)
 11. Contains appropriate original (not a signature stamp) signatures of agency and contractor
 12. Contains a description of the work to be performed including goals and objectives, deliverables, performance measures and a monitoring plan.
 13. Contains an itemized budget if it is a cost reimbursement contract.
 14. Description of reports and other deliverables to be received when applicable;
 15. Contains appropriate language if key internal controls have been outsourced.
16. When travel and other reimbursable expenses are involved, language to this effect should be included:
- 17.
- a. Travel and other reimbursable expenses shall constitute part of the total maximum Payable under the contract; or
 - b. No more than (a certain sum) of the total maximum amount payable under this contract shall be paid or received as reimbursement for travel and other reimbursement for travel and other reimbursable expenses; and
 - c. Travel expenses shall be reimbursed in accordance with the Division of Administration Policy and Procedure Memorandum Number 49 (revised).

The original contract, with original signatures, shall be submitted, along with the following attachments:

1. Purchase Requisition
2. BA-22, if applicable (\$50,000.00 or greater)
3. Contract Approval Form
4. Letter of Certification
5. Consultant Authorization Form
6. Contractor's Resume', if applicable
7. W-9 Tax Identification Form

When it has been determined that the contract is completed, it will be submitted to the following agencies where applicable in addition to those previously stated:

1. Attorney General (Department of Justice) for legal services that are not consulting work;
2. Legislative Auditor for financial auditing;
3. State Office of Telecommunications, if service contain any element of telecommunication Service;
4. The Office of Telecommunications Management, if any elements of telecommunication services are involved.
5. Contracts for data processing consulting services in an amount equal to or greater than \$50,000 shall be subject to all the statutory and regulatory requirements generally applicable to consulting services contracts equal to or greater than \$50,000.00

The Campus Purchasing Department shall prepare a monthly report of all small contracts in an amount \$2,000.00 or less and submit to the Procurement Office-Office of Contractual Review (OCR). This report shall contain: Name of Contractor, Department, Type of Contract, Beginning date of services, Terminating Date, Total Amount of contract, Funding source, Discretionary Justification, Date Approved, Description of Services and the Agency Number.

Additionally, a Performance Evaluation for every Professional, Personal, Consulting or social Services Contract shall be processed in accordance with the Louisiana Revised Statutes 39:1500; 39:1590;39:1567 and Acts 87 as amended by Acts 408 and 589 of the 2016 Legislative Session and the Office of Procurement-Contractual Review (OCR), Division of Administration, State of Louisiana. Each department will be required to submit a written evaluation of the contractor on an Evaluation Form provided by the Purchasing Department no later than five days upon completion of termination of the contract. This Performance Evaluation Form shall be retained by the Purchasing Department for all small purchase contracts approved under delegated authority. For all other contracts, this performance Evaluation shall be submitted to the Office of Contractual Review within one hundred twenty days after the termination of the contract.

All non-federal professional, personal, consulting and social contracts, in the amount of \$50,000.00 or greater, shall require prior management board review. before being submitted to the Division of Administration. These contracts will be reviewed by the Board of Supervisors or appropriate staff and submitted with a cover letter to the Director of Procurement/Office of contractual Review (OCR).