

Consultant Services

Section 4:9 Revised 01/01/2001

In accordance with State policy, the employment or securing of services of a consultant requires special approval. Services of a consultant or an advisory nature shall man work or task(s) performed by State employees or independent contractors possessing specialized knowledge, experience, expertise, and professional qualifications to investigate assigned problems or projects and to provide counsel, review, analysis, or advice in formulating or implementing improvements in programs or services. This includes, but it not limited to the organization, planning, directing, control, evaluation and operations of a program, agency or department.

This policy does not apply to contracts for attorneys employed by the State pursuant to the provisions of G.S. 147-17; to contracts for physicians or doctors providing direct medical care for the clientele of any State agency or to contracts to provide services without compensation to the provider of the services or to his employing agency.

It is the policy of the State that State agencies shall acquire consultant services only after it is determined that the function for which the consultant is retained cannot be reasonably accomplished by employees of the agency seeking such services; that the use of a consultant is reasonably necessary to the proper operation of the State agency; that the estimated cost is reasonable as compared with the likely benefits or results; that the funds are available for such contract; that the contract is in the best interest of the state; and that all rules and regulations of the Division of Purchase and Contract have been or will be complied with, all as determined by the Governor or his designee and the Division of Purchase and Contract. In acquiring such service, competition shall be sought whenever practicable. No agency of State government may contract for services of a consultant nature except in accordance with the provisions of these rules.

It is the policy of the State that, whenever possible, consultant services shall be obtained from other State agencies when the services available from other State agencies substantially meet the reasonable specifications of the requesting agency.

Before receiving authorization to seek consultant services, the department shall submit to the Purchasing Department written justification for its request for consultant services. This written justification shall , at a minimum, explain what services the department desires to secure; why the work to be performed by the consultant cannot be reasonably accomplished by employees of the requesting department; how the work to be performed relates to the proper functions of the department; what benefits the department expects to receive from the consultant's services; what the department estimates to be the cost of the services sought; what potential sources of consultant services, if any, the department has identified; and such additional information as may be required. If the department is requesting authority to contract for consulting services outside of State government, the justification shall also detail what potential sources of those services exist within State government and explain why the desired services were not available from those sources. The written justification shall be approved by the Department Head or Dean.

The documents submitted by the department requesting authority to retain consultants will be reviewed by the Purchasing Department and upon approval forwarded to the State Purchase

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Upon completion of this review the University will be advised, to such conditions as may be prescribed by the State, to:

1. canvas additional sources within State government, or
2. solicit proposals from private contractors, State agencies, or both, or
3. execute a negotiated contract (s) without competitive proposals, or
4. abandon the project for being outside the scope of the department's responsibilities or for having insufficient benefit to the State relative to the potential expenditure of funds.

Once the University receives approval to solicit proposals for consultant services, the Purchasing Department will proceed with other necessary action in accordance with prescribed policy.

Any contract executed without the approval of the State Division of Purchase and Contract and the Governor or his designee shall be void and no State funds shall be expended pursuant to any such contract. Any employee or official of the State of North Carolina who executes a contract without this approval shall be liable to repay any amount expended pursuant to such contract plus court costs.