

Professional, Consulting, and Services Agreement Instructions

Please Note: Employees of ASU may not have a direct or indirect interest in professional activities including any purchasing, payables, or contracting function in which such employee has any delegated authority to conduct or approve the transaction.

Contents

[Purpose of Form](#)

[Tips for Services Agreement](#)

[Service Agreement Routing Procedures](#)

[Travel Online Requisition](#)

Purpose of Form

This form may be used to facilitate effective communication regarding, time, date, place, services to be performed, fees and reimbursable expenses with an individual or entity that will be providing:

- **Professional Services.** Professional Services must be within the scope of practice as defined by Texas Government Code Section 2254.002 or provided in connection with the professional employment or practice of a person who is licensed or registered as:
 - Accounting - a certified public accountant (CPA);
 - Architecture - an architect;
 - Landscape Architecture;
 - Land Surveying - a land surveyor;
 - Medicine - a physician, including a surgeon;
 - Optometry - an optometrist;
 - Professional Engineering - a professional engineer;
 - Real Estate Appraising - a state certified/licensed real estate appraiser; or
 - Professional Nursing - registered nurse.
- **Consulting Services.** A consultant means an individual or entity that performs or proposes to perform a consultant service. Consultant service means the practice of studying or advising an existing or a proposed operation or project of ASU under a contract that does not involve the traditional relationship of employer and employee. Consultants usually provide a report on the subject matter and recommendations or plan for action, but they **are not involved in actually performing the work** to achieve the recommendations.
- **Services.** If you contract with an individual or entity that does not exactly meet the Professional Services or Consultant definitions listed above, then the individual or entity is only providing a **Service**.

Tips for Creating Agreements

1. Verify that funds are available in the account number listed on the Agreement.
2. **Before drafting an agreement, be able to clearly identify a service as professional or consulting.**
 - a. [OP 30.05: Use of Private Consultants](#)
 - b. [OP 30.06: Professional Services](#)
3. **If service is a consulting service, be able to clearly justify the need for a private consultant.** Private

consultants may be used only if there is a substantial need for the consulting services and the service cannot be adequately performed with ASU personnel or by contracting with another state agency.

4. **Plan Accordingly.** Whenever possible, initiate the routing procedures (outlined below) within six (6) weeks of the start date to allow for necessary approvals and prompt payment:
 - a. Payment will be released upon ASU's satisfactory receipt of the final work product.
 - b. All agreements with an individual require prior Human Resources approval.
 - c. All **consulting** agreements under \$25,000 require notifying the Board of Regents (BOR) prior to contract start date (Regents Rules 07.12.2).
 - d. All **consulting** agreements of \$25,000 or more must be presented during the next scheduled BOR meeting and receive BOR approval prior to contract start date (Regents Rules 07.12.2).
 - e. **Consulting** agreements of \$25,000 or more and paid by state appropriated funds will require prior approval from the governor's office, posting on the Texas Register at least thirty (30) days prior to contract start and a justification of need and summary of actions taken based on consultant recommendations. Contact the Contract Administration Office for procedures.
5. **Do not modify the terms and conditions of the Services Agreement.** Any modification to this agreement requires prior approval from the Contract Administration Office.
6. **We recommend that travel expenses be calculated in advance and included in the fee agreed upon.** The cost of travel should be calculated by the department of origin, and approved by the individual. The cost of travel should be based upon the state approved per diem rates. Per Diem rates can be found [here](#). The transactional costs for the university to arrange and pay for the travel far exceeds any savings we might realize. If necessary, ASU can book and pay for individual's hotel room and airfare through a direct payment. Reimbursing an individual for travel after a service has been rendered is not permitted. If traveler is a representative of an entity, travel reimbursements must be itemized on an invoice and must have original receipts attached.
7. **Do not create an agreement and route it to the Contract Administration Office in order to request employees to perform additional services.** ASU may not enter into an agreement with any individual who has been previously employed by ASU within the past 12 months, or who is currently enrolled as a student. Please contact the Office of Human Resources for questions.
8. **Request a completed Form W-9 from all individuals and entities if the form has not been completed within the past twelve months.** The completed Form W-9 can be faxed to the Contract Administration Office at 325-942-2578 or the Purchasing Office at 325-942-2010 or mailed to Contract Administration Office, ASU Station #11037, San Angelo, TX 76909. Please contact Contract Administration or Purchasing if a W-9 form cannot be obtained. ASU must have a copy of the completed W-9 before the purchase order is issued.
9. **Protect the individual's personal identifiable information.** This information may be provided over the phone to the Offices of Contract Administration or Purchasing.
10. **Texas Government Code, Chapter 2251, requires payment within 30 days from the date the goods and/or services are rendered.** Please contact the Contract Administration Office at c_admin@angelo.edu if other payment arrangements are required. Pre-payments are not allowed.
11. **Call the Contract Administration Office with any questions at (325) 942-2748 or 942-2591.**

Agreement Routing Procedures

1. Provide the information as requested in the Services Agreement.
2. If contracting with an individual, complete the Independent Contractor Questionnaire (located in Ramport/Work Life tab/Administrative Forms/Fiscal Forms).
3. Send a draft of the Services Agreement and Independent Contractor Checklist, via email, to the financial manager of the expense account being used. The financial manager shall indicate his/her approval by sending a draft of the Services Agreement and Independent Contractor Checklist to c_admin@angelo.edu. The financial manager should include a short message in the email to the contract administrator to indicate his/her approval.
4. For **Consulting** Services Agreements, Contract Administration will assist the department of origin with creating the required notice to the Board of Regents.
5. The Contract Administration Office will review and approve. If contracting with an individual, Contract Administration will submit the Independent Contractor Checklist and agreement to Human Resources for approval.
6. Contract Administration will route the agreement for internal signature and send to the Provider for counter-signature.
7. Once a fully executed agreement is returned, Contract Administration will assign a contract number, which will be the purchase order number, and email it to the Purchasing Office to create the purchase order. Contract Administration will provide the department contact an emailed copy of the signed contract once the purchase order is created:
 - Departments **do not** need to create an online requisition for the contract fee payable to the individual or entity. The executed agreement emailed by Contract Administration is sufficient for the Purchasing Office to create a purchase order.
8. If ASU is booking travel arrangements, departments **do need** to create an online requisition to process payments:
 - a. Requisitions for airfare shall be made out to Horizons Travel, vendor code 81152939
 - b. Requisitions for hotel shall be made out to the hotel of your choice.
 - c. Requisitions for a rental vehicle shall be made out to EAN Holdings, LLC, vendor code 264086616
 - d. Attach a copy of the executed agreement to the online requisition for travel
9. Retain a copy of the fully executed agreement for your files.