

# Shelby County Board of Education

2013

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## PROFESSIONAL SERVICES CONTRACTS

### I. PURPOSE

To secure quality professional services for Shelby County Schools; and to fulfill the District's oversight responsibility of ensuring that District resources are managed and allocated prudently in the best interest of students and the community while driving academic achievement and aligning with the goals of the Board and administration.

### II. SCOPE

This policy applies to all contracts for professional services that are equal to or exceed five thousand dollars (\$5,000) and are not covered by any other established purchasing procedures.

### III. DEFINITION

Professional Services – Services provided by an individual or group of individuals with a professed expertise based on prolonged and specialized intellectual training over time which enables a particular service to be rendered. The term implies professional attainment in specialized knowledge as distinguished from mere skill. Professional services include, but are not limited to, insurance, auditing, accounting and financial services; professional development, business consulting services; educational consulting services; research services; seminar leaders; surveys and studies; legal services; medical services; technical services (e.g. technology); and software development.

### IV. POLICY STATEMENT

The Shelby County Board of Education recognizes that individuals or organizations that provide professional services to Shelby County Schools (SCS) must be highly competent and possess the highest ethical standards, based on the judgment of the "users" of the service. The Board also recognizes that there may be several

organizations or individuals who meet the highest standards. In order to select the best qualified individuals or organizations to perform professional services for SCS, all contracts for professional services that are equal to or exceed five thousand dollars (\$5,000) per contract must go through a review and approval process. Competence, integrity and cost shall be the major factors in selecting the best qualified service provider. Contracts for professional services "shall not be based upon competitive bids" (TCA 12-4-106).

The Superintendent shall have the sole discretion to enter into contracts for professional services up to \$99,999.

Contracts for professional services exceeding \$99,999 shall require Board approval. When requesting approval for a professional service contract, administration shall provide a presentation including, but not limited to the following information:

- a. District goal the request serves;
- b. Measurable outcomes expected;
- c. Cost for the previous three (3) years, where applicable;
- d. Cost per student served, where applicable;
- e. Explanation of expected benefits and why specific item or service is the best purchase;
- f. Other options for addressing the need for the purchase;
- g. Sustainability Plan;
- h. Implementation Plan;
- i. Adverse impact on students and/or the district if not approved at the level requested; and
- j. Number and description of staff positions to be created, where applicable.

This policy shall not apply to sole source contracts or to contracts that must be performed on an emergency basis.

During each quarter, the Superintendent shall provide the Board with a list of all professional service contracts between \$25,000 and \$99,999 that have been negotiated by administrative personnel during that quarter.

Employees who authorize or contract for any obligation in violation of this policy may be required to assume personal responsibility for the payment of the obligation and may be subject to dismissal from employment.

## **V. RESPONSIBILITY**

- A. The "users" of professional services are responsible for furnishing an objective assessment of their needs and for judging the competence and integrity of proposals submitted to meet those needs.
- B. The Superintendent (or designee) is responsible for monitoring professional service contracts for compliance with this policy.
- C. The Superintendent is responsible for submitting quarterly reports required by this policy.
- D. The Superintendent is responsible for ensuring that this policy is adhered to; administrative rules and regulations are developed to implement this policy; and said rules and regulations shall be posted on the District website.

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### **Legal References:**

- 1. TCA 12-4-106 - Public Contracts

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### **Cross References**

- 1. 2012 Contract Requirements, Approval and Signatory Authority

1. Contracts for professional services shall be based on the following guidelines.
  - A. Contracts up to \$4,999: An administrator with budgetary authority has the sole discretion to select the professional service provider.
  - B. Contracts between \$5,000 and \$24,999: An administrator with budgetary authority has the discretion to select the professional service provider, but the selection must be reviewed and approved by a higher-level administrator.
  - C. Contracts between \$25,000 and \$99,999: An administrator with budgetary authority must solicit proposals from at least three (3) service providers. The provider selected must be reviewed and approved by the Superintendent. During each quarter, the Superintendent shall provide the Board with a list of all professional service contracts between \$25,000 and \$99,999 that have been negotiated by administrative personnel during that quarter.
  - D. Contracts that are equal to or exceed \$100,000: The Purchasing Department must issue a Request for Proposals. The final selection must be approved by the Board. A summary of the rationale for selecting the service provider must accompany the request for Board Approval.
  - E. The Superintendent shall have the sole discretion to enter into professional service contracts for amounts up to \$99,999.
  - F. For Superintendent-initiated professional service contracts between \$50,000 and \$99,999, the Superintendent must solicit proposals from at least three (3) service providers.
  - G. For Superintendent-initiated professional service contracts of \$100,000 or more, the Purchasing Department must issue a Request for Proposals. The final selection must be approved by the Board. A summary of the rationale for selecting the service provider must accompany the request for Board Approval.
2. The Superintendent (or designee)/Purchasing Department shall coordinate enforcement of this policy. Coordination shall include assisting "users" in soliciting proposals and developing procedures and guidelines for preparing Requests for Proposals and for securing sole-source contracts or contracts in emergency situations.