Consultant Services

State Policy and Regulations
State agencies shall acquire Consultant services, only after the head of an agency (i.e., the Chancellor of NCCU) determines that:

1. The function for which consultant is retained cannot be reasonably accomplished by employees of the agency seeking such services, or other State employees.
2. The use of a consultant is reasonably necessary for proper operation of the agency.
3. The estimated cost is reasonable as compared with the likely benefits or results.
4. Funds are available for such a contract.
5. The contract is in best interest of State.
6. All State rules and regulations have been complied with.

In acquiring consultancy services, competition shall be sought whenever practicable. No agency of the State of North Carolina may contract for consultant services except in accordance with the provisions of State rules and regulations. Consultancy services which exceed NCCU’s purchasing delegation must be submitted to the North Carolina Division of Purchase and Contract and approved by the Governor of North Carolina or his/her designee.

NCCU reports its consultant service contracts to the University of North Carolina – General Administration on an annual basis.

Definition
Services of a consultant or an advisory nature shall mean 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 from improvements in programs or services. This includes, but is not limited to the organization, planning, directing, control, evaluation and operation of a program, agency or department.

Exemptions
This policy does not apply to the following contracts:
1. Attorneys employed by the State pursuant to the provisions of G.S. 147-17.
2. Physicians or doctors providing direct medical care for clientele of any State agency.
3. General Assembly contracts for special study commissions.
4. Institute of Government contracts to provide or obtain consulting or advisory services.
5. Contracts to provide services without compensation to the provider of the services or to his employing agency.
6. Contracts entered into by a State agency pursuant to specific statutory authority which provides, in the opinion of the Governor or his designee, a specific alternative procedure for the selection and aware of such contracts.
Procedure: Consultancy Agreements Within the NCCU Purchasing Benchmark

1. Department submits a Justification Memorandum to the NCCU Chancellor’s Office (or that of the Chancellor’s designee approved to act in these situations) with the following information.
   a. Description of project contemplated.
   b. Description of Consultant Services requested.
   c. Estimated cost including cost or value benefit analysis.
   d. Estimated period of time services are requested.
   e. Statement of why services are reasonably necessary to proper function of the University.
   f. Statement of why services cannot be performed within the resources of the University.
   g. Description of funding source, including budget subhead and line item.
   h. List of other State agencies, capable of performing required service and summarized contacts list.
   i. List of potential contractors, their addresses and principals in firm, if no State agency can reasonably perform service.

2. Department receives Endorsement Letter from the Chancellor approving the consultant services and submits it, and accompanying documentation, to the Purchasing Department. Services from individuals must be approved as Independent Contractors by Human Resources.

3. Approved consultant services within the NCCU purchasing benchmark are submitted to the NCCU Purchasing Department for processing.

Procedure: Consultancy Agreements Exceeding the NCCU Purchasing Benchmark

1. If the cost of the consultant service exceeds the NCCU purchasing benchmark ($200,000) the NCCU Purchasing Department submits a packet, including a Justification Memorandum, the NCCU Chancellor’s Endorsement Letter, and any other pertinent documentation to NC Division of Purchase and Contract.
   a. The NC Division of Purchase and Contract reviews the justification and presents it to Governor’s Office for approval.
   b. After review by Governor’s Office, Division of Purchase and Contract sends to the NCCU Purchasing Department indicating one of the following:
   c. University can proceed to receive proposal for Consultant Services.
   d. University can negotiate with person/firm for sole source services (sole source determination has been demonstrated.)
   e. Request has been referred to another office.
   f. Request has been disapproved.
   g. Request has been cancelled per agency or joint agreement.
   h. If the University receives approval in 4 (a), (b), or (c) above then the drafted Request for Proposals (RFP) must be submitted to the NC Division of Purchase and Contract for review, regardless of potential contractor.
2. The submitted RFP should include, but not be limited to the following:
   a. Define task and desired results of project.
   b. Define extent of research required for successful completion of project.
   c. Identify agency liaison personnel and resources available to consultant (for both in preliminary studies and project itself).
   d. Project time line (approximately when consultant can begin work, plus estimated time when work will have been accomplished).
   e. Specify applicable procedures concerning billing, documentation requirements, progress reports and final reports.
   f. Request potential contractors to submit a minimum of copies of proposal.
   g. Inform potential contractors of criteria to be used in evaluating proposals’ responsiveness to RFP:
      - Cost, including State personnel and equipment utilized.
      - Consultant’s competence, citing direct and indirect experience in areas to be studied.
      - Duration of study.
      - Selection methodology and weight, if weighing is used which will be applied to each significant evaluation criteria. Inform the potential contractors that, in addition to the copies required by the University, five (5) copies of a final report (when applicable), may be required for the North Carolina State Library, and for consultant contracts processed with the Governor’s approval, one (1) copy is required for the files of the NC Division of Purchase and Contract.
   h. Require potential contractors to include following information with proposals:
      - Description of consultant firm’s qualifications.
      - List of agencies, with names of contact persons, for whom similar work has been done (list of business firms may be substituted if no similar work has been done for governmental agencies).
      - Length of time needed for project by phases, is phasing necessary.
      - Proposed methodology for accomplishing the project with a precise statement of what State will receive as an end product of project.
      - Itemized cost statement showing various classes of man hours at appropriate rates, delineated by phase, if phasing used, (also include itemized listing of all other expenses or fees that will be paid by University).
3. Once RFP is approved by the NC Division of Purchase and Contract, NCCU will be authorized to seek contractor(s) as instructed. A response time must be set which is in keeping with the complexity of the RFP.
4. Upon receipt of all proposals, one copy of each proposal must be sent for evaluation to Contractual Services, Division of Purchase and Contract.
5. After evaluating all proposals, NCCU will recommend its choice of a particular contractor to the NC Division of Purchase and Contract in a Selection Memorandum. The following information is to be included in the Selection Memorandum:
   - Department’s choice of contractor, including name of firm, its address and name of principal form if not previously submitted.
• Budgeted cost of project, itemized.
• Accrued amount, broken down by fiscal year and division or agency, spent by your department with consulting from in the past five (5) years.
• Rationale for selection of department’s choice of contractor (include specific objective comparison)
• Department’s methodology, techniques and actual evaluation must be included.

6. The NC Division of Purchase and Contract will then review and recommend appropriate action to Governor’s Office.
7. NCCU will receive approval by written response from the Governor’s Office giving authorization to proceed.
8. When all work is completed, NCCU will send a Performance Evaluation Form of the contractor to the Division of Purchase and Contract.