



UNIVERSITY OF MIAMI POLICY AND PROCEDURE MANUAL

TITLE: Consultant and Other Professional Services

REFERENCE:

CATEGORY: Supply Chain Services

PAGE:

SUPERSEDES:

APPROVER: Phil Profeta

VERSION:

EFFECTIVE: June 2016

I. PURPOSE:

To set forth the methods of procurement, payment and the determination of propriety for the engagement of consultant and/or other professional services.

II. SCOPE:

Include a description of who is covered by this policy.

III. POLICY:

Departments must use a University of Miami Consultant/Services Agreement when contracting a vendor to provide professional services.

IV. DEFINITIONS:

Terms that must be defined in order for the policy to be understood.

V. PROCEDURE:

1. The University's Consultant/Services Agreement is completed by the department and signed by the vendor. The department initials the agreement. If the vendor requests any changes to the agreement terms, those changes must be approved by Purchasing first. Purchasing may request approval from General Counsel based on the changes requested by the vendor.

2. The department submits a purchase requisition through UMeNET for the amount of the professional services and attaches the completed Consultant/Services agreement to the requisition.

3. If the consultant is a new vendor, the University of Miami Vendor Short form must be completed by the vendor and forwarded to Purchasing. Please note the Purchasing vendor database contains approved University consultants which should be used whenever possible in lieu of adding new vendors. Please contact Purchasing before seeking out new consultants.

4. If the consultant is an individual, the Consultant/Independent Contractor Review Questionnaire must be completed by the department and attached to the requisition. <https://umshare.miami.edu/web/wda/purchasing/FORMS2/CONSULTANTquestionnaire.pdf>

5. Purchasing will review all of the documents, request any additional approvals that are required, issue a PO, sign the consulting agreement, and forward the PO and signed agreement to the vendor

A consultant provides professional analysis or advisement on a specific project. Relationship between the parties cannot be considered as employer/employee.

If an individual is being considered for a consulting assignment, the individual must fit the profile of an independent contractor and not an employee as defined by the IRS. The University, like all employers, cannot contract away their employment tax liabilities. Departments requesting consulting services need to know when an individual should be hired as an employee and when an individual should be engaged as a consultant. The central issue in making this determination is control. An individual is an employee when the person for whom services are performed has the right to control and direct the individual who performs the service.

An individual who was paid as a University of Miami employee during the previous twelve months cannot be contracted as a consultant to perform the same services he or she provided as an employee.

If the consultant is an individual, the department must complete the Consultant/Independent Contractor Review Questionnaire located on the Purchasing website under the Consulting Services menu. Purchasing will make the final determination of whether or not an individual fits the profile of a consultant. <https://umshare.miami.edu/web/wda/purchasing/FORMS2/CONSULTANT-questionnaire.pdf>

Professional services including, but not limited to, photography, videography, graphic design, translation services, engineers, architects, web designers, advertising, and transcription services must also be requested on a Consultant/Services Agreement. Payments for professional services are not allowed on PCard or eCheck.

The University of Miami's consultant/services agreement form should be used in lieu of the vendor's standard agreement form. Any changes requested by the vendor will be reviewed by Purchasing and General Counsel review may be required.

Additional approvals may be required for the following: • Agreements involving confidential patient information - HIPAA • Web Design or Telecom and I.T. related services agreements must be approved by I.T.

- Fundraising - Advancement
- Marketing
- Logo design – Communications or Marketing
- Legal services- General Counsel
- Architects and Engineers - Facilities