

## Buying Consulting Services

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Common Services • Professional/Personal Services • **Consulting Services**

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*This flyer explains how to hire a consultant to provide advice or solve a clearly defined problem regarding management or administration. Templates and forms are available on the Business Services [Forms and Flyers](#) web page.*

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### Determining if you need a consultant:

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A “consultant” is defined by the University as an independent contractor (individual or company) that **provides analysis and advice to solve a problem related to University administration or management**. Consultants offer advice or solve clearly defined problems, but they don’t direct or implement solutions. A consultant relationship exists when Berkeley Law does not control either the end result of a service or the manner in which the services are performed.

Individuals or companies that provide professional or personal services often refer to themselves as “consultants.” Berkeley Law uses the University’s definition of “independent contractor” for these vendors. The University reserves the term “consultant” to describe a very specific type of service. If the services you require don’t fall within the University’s definition of consultant, refer to the flyer, “Buying Professional and Personal Services.”

The **Center for Organizational and Workforce Effectiveness (CORWE)** in the Office of Human Resources should be consulted first for a complimentary assessment, appropriate referrals to on-campus and off-campus resources, and assistance with the contracting process. Due to an existing contract with **PriceWaterhouseCoopers**, Berkeley Law is restricted from using this firm or employees of their companies to provide any type of consulting or professional services on the UC Berkeley campus.

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### Unauthorized purchases:

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Enforcement of the University’s policy regarding unauthorized purchases is taken seriously by Berkeley Law and the Director of campus Business Services. The authority to make purchases using University funds is delegated in writing by that Director to specific individuals. In Berkeley Law, purchasing authority has been delegated to Business Services and to the Law Library. If you do not have this written delegation, you can be held financially responsible for your unauthorized purchases. **Your contractor may not begin to provide the desired services until the University’s promise to pay – represented by a University purchase order - has been established.**

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### Preparing a request for consulting services:

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1. Complete a **Check Request Form** to authorize the purchase and provide a chartstring for the expense.
  2. Complete a **Consultant Agreement (CA) Request Form** that fully answers all questions and includes the required attachments.
  3. Prepare an amendment to the existing campus-wide consulting agreement (CORWE helps with this task) or an agreement based on the University’s **model Consultant Agreement** (Berkeley Law Business Services helps with this task).
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### Processing your request:

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Forward your completed, hardcopy documentation to Berkeley Law Business Services for immediate attention. Documentation will be forwarded on your behalf to the **Business Contracts Office** for preparation of the required consulting contract. When the contract between the University and the consultant has been executed, the Business Contracts Office will notify Business Services.

- If your request is **less than \$5,000**, a University purchase order (PO) can be prepared by Business Services, typically within one business day after the contract has been executed. A copy of the signed PO and billing instructions will be provided to your vendor who may now begin providing services. Use [orders@law.berkeley.edu](mailto:orders@law.berkeley.edu) to communicate with Business Services about your request.
- If your request is **\$5,000 or more**, Business Services will prepare a purchase requisition (a request for a purchase order). The Business Contracts Office will share contract documentation with our Senior Buyer. The Senior Buyer will prepare a high-value University purchase order and forward a copy of the signed PO and billing instructions to your vendor.
- If your request is **more than \$50,000** then you are expected to have obtained written proposals from three consultants before you make your selection. CORWE can help you identify a consultant who has an existing campuswide agreement in place.

## Buying Consulting Services (continued)

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### Making changes to your original request:

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If you determine that **additional services** will be required from your vendor, revise the original Contract Agreement Request Form with the appropriate changes and forward this document to Business Services via [orders@law.berkeley.edu](mailto:orders@law.berkeley.edu).

If you determine that you **will not need all of the services** in your original request, send a request to [orders@law.berkeley.edu](mailto:orders@law.berkeley.edu) to cancel the lien on your purchase order. Business Services will work with the Business Contracts Office, if necessary, to obtain the consultant's acceptance of this action. Canceling a lien will close your purchase order and remove the budget encumbrance from your chartstring.

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### Paying for services received:

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Payment for consulting services must be made directly to the contractor; this type of transaction is not eligible for reimbursement to another individual.

A **purchase order** represents the University's promise to pay the contractor an amount not to exceed the dollar value of the PO. In order to receive a payment(s) for services rendered according to the terms of the PO, a contractor must submit a "demand for payment" represented by an **invoice**. The Berkeley Law client or contact (see "Statement of Work" above) will have an opportunity to confirm that the services itemized on an invoice were received satisfactorily before Business Services approves a payment(s) to the contractor.

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