

**04.202 Use of Private Consultant Services**

A consulting service is defined by Texas Government Code, Chapter 2254 as "the human service of studying or advising an agency under a contract that does not involve the traditional relationship of employer and employee." A state agency or institution may contract with private consultant only if:

- There is a substantial need for the service and;
- The agency cannot adequately perform the service with its own personnel or through another agency.

If the consulting service is reasonably foreseen to exceed \$15,000 during the term of the contract, the state agency will have pre-procurement and post-procurement oversight from the Legislative Budget Board (LBB) and the Governor's Budget and Planning Office. The contract must be published in the Texas Register.

In accordance with Texas Government Code, Chapter 2254 specifically empowers each agency to purchase professional services under the Professional Services Procurement Act. These procurements are exempt from Texas Building & Procurement Commission's review authority. Professional services are provided in connection with the professional employment or practice of a person who is licensed and in the professional employment or practice as follows:

1. Accounting - a certified public accountant (CPA);
2. Architecture - an architect;
3. Land surveying - a land surveyor;
4. Medicine - a physician, including a surgeon;
5. Optometry - an optometrist;
6. Professional engineering - a professional engineer; or
7. Real estate appraising - a state certified/licensed real estate appraiser.

Consult Purchasing Services for guidance in procuring professional or consulting services.