

Contracts and Consultants

All contracts between the Solano County Office of Education (SCOE) and outside agencies shall conform to standards required by law and shall be prepared under the direction of the County Superintendent (Superintendent) or designee.

Consultants

The Superintendent or designee authorizes the use of consultants to provide expert professional advice or specialized technical or training services which are not needed on a continuing basis and which cannot be provided by SCOE staff because of limitations of time, experience, or knowledge. Individuals, firms, or organizations employed as consultants may assist management with decisions and/or project development related to financial, economic, accounting, engineering, legal, administrative, instructional, or other matters.

As part of the contract process, the Superintendent or designee shall determine, in accordance with Internal Revenue Service (IRS) guidelines, that the consultant is properly classified as an independent contractor. SCOE employees who perform extra-duty consultant services shall not be retained as independent contractors. They shall be considered employees for all purposes, even if the additional services are not related to their regular duties.

SCOE shall not contract for consulting services that can be performed without charge by a public agency or official unless these services are unavailable from the public source for reasons beyond SCOE's control.

All qualified firms or resource persons shall be accorded equal opportunity for consultant contracts regardless of race, creed, color, gender, national or ethnic origin, age, or disability.

Independent contractors applying for a consultant contract shall submit a written conflict of interest statement disclosing financial interests as determined necessary by the Superintendent or designee, depending on the range of duties to be performed by the consultant. The Superintendent or designee shall consider this statement when deciding whether to recommend the consultant's employment.

When employees of a public university, county office of education, or other public agency serve as consultant or resource persons for SCOE, they shall certify as part of the consultant agreement that they will not receive salary or remuneration other than vacation pay from any other public agency for the specific days when they work for SCOE.

Professional Service Agreements and W-9 Forms

To ensure that SCOE meets the Internal Revenue Service's (IRS) reporting requirements pertaining to Employer Identification Numbers (EIN), Social Security Numbers (SSN), and Taxpayer Identification Numbers (TIN), an IRS Form W-9 – Request for Taxpayer Identification Number and Certification, should be attached to the SCOE Professional Services Agreement (PSA) for new vendors.

Vendors should complete the W-9 and return it to Accounts Payable, 5100 Business Center Drive, Fairfield, CA 94534-1658.

PSA forms and W-9 forms are available electronically.

OFFICE OF THE SOLANO COUNTY SUPERINTENDENT OF SCHOOLS

Policy 3312 (Continued)

Legal Reference:

EDUCATION CODE

- 200-262.4 Prohibition of discrimination on the basis of sex
- 10400-10407 Cooperative improvement programs
- 14505 Provisions required in contracts for audits
- 17595-17606 Contracts
- 35010 Control of districts; prescription and enforcement of rules
- 35172(a) Promotional activities
- 35182.5 Contract prohibitions
- 35204 Contract with attorney
- 44925 Part-time readers employed as independent contractors
- 45103 Classified service in districts not incorporating the merit system
- 45134-45135 Employment of retired classified employee
- 45256 Merit system districts; classified service; positions established for professional experts on a temporary basis
- 49431-49431.5 Nutritional standards

GOVERNMENT CODE

- 12990 Nondiscrimination and compliance employment programs
- 53060 Contract for special services and advice
- 53260 Contract provision re maximum cash settlement
- 53262 Ratification of contracts with administrative officers

LABOR CODE

- 1775 Penalties for violations
- 1810-1813 Working hours

PUBLIC CONTRACT CODE

- 4100-4114 Subletting and subcontracting fair practices
- 7104 Contracts for excavations; discovery of hazardous waste
- 7106 Noncollusion affidavit
- 20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder
- 20104.50 Construction Progress Payments
- 22300 Performance retentions

UNITED STATES CODE, TITLE 20

- 1681-1688 Title IX, discrimination

Policy Cross-Reference:

- 0000 Vision
- 0100 Philosophy
- 0200 Goals for the School District
- 0410 Nondiscrimination in District Programs and Activities
- 1230 School-Connected Organizations)cf. 2121- Superintendent's Contract
- 1325 Advertising and Promotion
- 1340 Access to District Records
- 3100 Budget
- 3290 Gifts, Grants and Bequest
- 3300 Expenditures and Purchases
- 3314 Payment for Goods and Services
- 3400 Management of District Assets/Accounts
- 3460 Financial Reports and Accountability
- 4030 Nondiscrimination in Employment
- 4312.1 Contracts