



Personal/Professional Services Contract Guide

1. Scope

1.1. This document outlines the requirements that must be met, both before and after, when entering into a personal services agreement between WESD and an Independent Contractor.

This document covers:

- Scope
- Contract Value
- Contractor Selection
- Statement of Work
- Payment Terms
- Contract Execution
- Amending a Contract
- Adding a Specialist to an Existing Contract
- Small Contracts (under \$3,000 or one-time presenter)

2. Applicability

2.1. This guide is for WESD employees who initiate contracts, to assure procedures are followed by the initiator and the contractor such that the final contract and associated required documents are complete and accurate.

3. Definitions

3.1. **Independent Contractor** – General Rule:

- **A WESD employee can never be an independent contractor while still employed**
- It is rare that an employee of another entity (school district or company) meets the qualifications for independent contractor status - the contract for the services would be with the employer.
 - Refer to the *Independent Contractor Certification Form* for more detailed information
- Work that is covered by a collective bargaining agreement may not be contracted out
 - Exceptions - Independent Contractors may be used:
 - During the hiring process to fill vacant positions
 - During peak times to address intermittent spikes in workflow
 - When specific technical expertise is not readily available, hiring attempts have been unsuccessful, and continued vacancies are detrimental to operations or service delivery
 - When the duration of the work assignment is very limited, generally less than three months

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- 3.2. Personal/Professional Services** – require specialized technical, creative, professional, or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment skills, and for which the quality of services depends on attributes that are unique to the service provider, such as:
- Accountant, educator, therapist, consultant or artist
 - Personal Services do **not** include architectural, engineering, and land surveying services and related services. (ORS 279A.055(2))
- 3.3. Verbal Quote:** A record of a contractor's cost proposal for a product or service
- 3.4. Written Quote:** A record from the contractor of the contractor's cost proposal for a product or service
- 3.5. Initiator:** the WESD employee or department initiating the contract

4. Initiating a New Contract

4.1. Develop the Scope of Work

- Use worksheet on the [Contracts](#) section of the Business Services webpage to record:
 - The purpose of the contract
 - The service to be provided
 - Where the services will be performed or provided
 - When the services will be needed
 - Dates and time, or frequency, such as “Every Tuesday”
 - Start date and end date
 - Deliverables

4.2. Determine Estimated Contract Value

- \$0-\$9,999 - no bidding requirements
- \$10,000-\$24,999 - 3 verbal quotes required
 - Record quotes on the *Verbal/Written Quote form*
- \$25,000-\$149,999 - 3 written quotes required
 - Record quotes on the *Verbal/Written Quote form*
 - Attach the quotes to the form
- \$150,000 and above – Business Office must initiate - RFP and Board approval are required
- Refer to the *Verbal/Written Quote Form* on the [Contracts](#) webpage for exemptions to bidding requirements

4.3. Select contractor

- All personal service contracts shall be awarded based on demonstrated qualifications and competence to perform the required services. The selection process shall encourage competition, discourage favoritism and obtain services at a fair and reasonable price.
- If quotes were required and lowest quote was not recommended:
 - Provide a written explanation on the *Verbal/Written Quote form*
 - Compelling reason must exist when choosing a more expensive bid
 - **Approval from the Executive Director of Business Services is needed before proceeding**

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4.4. Contractor must complete, sign and return the appropriate Contract Packet

- Use the flowchart at the end of on the [Contracts](#) webpage to determine which packet is appropriate for your contractor
- All necessary documents for the contractor or specialist are included in the appropriate packet, and a cover page is included with any extra instructions for that packet.
 - If the Contractor or its employees may have unsupervised contact with a student or child, use Contract Packet A-company
 - Use Contract Packet A-specialist for contracted specialists working for that company
 - Only use the Fingerprint-Based Criminal History Clearance Request form when contractor has fingerprints on file with an Oregon school district.
 - WESD employee or department will provide instructions for FieldPrint
 - Initiator must fill out and get necessary signatures on Specialist Approval Form, then attach that to the completed Contract Packet A-Specialist
 - If the Contractor or its employees will **NOT** have unsupervised contact with a student or child, and is greater than \$10,000, use Contract Packet B
 - If the Contractor or its employees will **NOT** have unsupervised contact with a student or child, and is less than \$10,000, use Contract Packet C
 - No Certificate of Insurance is required with this packet

****No work can begin until Business Services gives approval for background and fingerprints****

4.5. Compile Contract Packet

- Initiator uses *Contract Approval Form* from the [Contracts](#) webpage
 - Complete top section
 - Use 2nd section check list to compile required documents
 - Provide budget code where requested
 - Contractor must provide Certificate of Insurance when required
 - Obtain appropriate signature(s) in 3rd section
 - Attach completed form to compiled documents – this is the completed Contract Packet

4.6. Submit Contract Packet to Business Services

- Retain a copy and submit completed Contract Packet to Business Services for review
 - Digital copies must be emailed to contracts@wesd.org
- Upon completion of the review and approval process the Executive Director of Business Services will sign the contract
- A copy of the signed contract will be returned to the WESD employee who sent the contract. It is the responsibility of the WESD employee or department to return a signed copy to the contractor.
- No payment will be made until the contract is fully executed

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5. Amending an Existing Contract

5.1. Existing contracts can be amended:

- To extend the term of the original agreement
- To change or add to the Scope of Work
- To extend the maximum allowable cost
- To change payment terms

5.2. Complete a Contract Amendment Form

- Download the form from the [Contracts](#) webpage
- Enter the contractor name
- Enter the amendment number in the top section, i.e., the first amendment is amendment #1, the second is #2, etc.
- In the middle section, provide the new information as applicable
 - New term of the agreement
 - New Scope of Work
 - Change in cost or payment terms
- Provide complete contractor data
- Obtain contractor signature

5.3. Submit to Business Office

- Submit to Business Office for review and approval
- The Business Office will return a copy of the fully executed amendment
- Send the fully executed copy to the contractor and retain a copy to attach to the original contract

6. Revision History

Date	Revision Reference	Description
9/19/16	1 st Draft	Submitted to Leadership for review
10/24/16	2 nd – Final	Given to Admin Team
5/30/18	3 rd	Changed HR to Business Services for final approval and clearance to work notice
9/28/18	4 th	Updated color coding to sections
12/14/18	5 th	Updated Criminal Record Check information
1/11/2020	6 th	Updated Specialist Forms
3/17/2020	7 th	Updated Sections
3/9/2021	8 th	Updated formatting to match website
4/16/2021	9 th	Updated Small Contract section for new contract template
7/14/2021	10 th	Updated guide for new contract packet procedure

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7. Flowchart

