

Section 2.14

Professional & Consulting Services

Texas Government Code § [2254](#) specifically empowers governmental entities to purchase professional services and consulting services. These procurements are exempt from TPASS review authority. Each agency is responsible for following procurement requirements and resolving any complaints or protests. TPASS recommends that agencies consult their own legal counsel for guidance in procuring professional or consulting services. For additional detailed information, review the applicable statutes and the [State of Texas Purchase Policies and Procedures Guide](#) published by the CPA, Fiscal Management division.

Professional Services

Professional services must be within the scope of practice as defined by Texas Government Code § [2254.002](#) or provided in connection with the professional employment or practice of a person who is licensed or registered as:

- Accounting - a certified public accountant (CPA);
- Architecture - an architect;
- Landscape Architect;
- Land Surveying - a land surveyor;
- Medicine - a physician, including a surgeon;
- Optometry - an optometrist;
- Professional Engineering - a professional engineer;
- Real Estate Appraising - a state certified/licensed real estate appraiser; or
- Professional Nursing - registered nurse.

For information on purchasing services provided by private legal counsel, contact the Office of the Attorney General. The procurement of private legal counsel requires the approval of the Office of the Attorney General.

Contract Notification

Pursuant to Texas Government Code §§ [2254.006](#) and [2254.0301](#), a state agency, including an institution of higher education as defined by Texas Education Code § 61.003, shall provide written notice to the Legislative Budget Board (LBB) of a contract for professional services, other than a contract for physician or optometric services, if the amount of the contract, including any amendment, modification, renewal, or extension of the contract, exceeds \$14,000. The notice must be on a form prescribed by the LBB and filed not later than the 10th day after the date the agency enters into the contract.

Consultant Services

Texas Government Code defines a consultant service as the human service of studying or advising an agency under a contract that does not involve the traditional relationship of employer and employee. An agency may contract with a 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 agency shall submit a notice of intent to the LBB and the Governor's Budget and Planning Office to obtain a finding from the Governor's office that the services are necessary. Thirty days before entering into such a contract, an invitation for offers from consultants must be published in the Texas Register. These requirements do not apply to the acquisition of services such as those provided by private legal counsel, investment counselors, actuaries,

medical or dental services, and professional services listed under the Professional Services Procurement Act. Not later than the 20th day after entering into a consulting services contract with a value expected to exceed \$15,000, or \$25,000 for an institution of higher education, a description of the services, the name, and value of the contract must be published in the Texas Register.

Note: If the professional or consulting service contract is anticipated to exceed \$25,000, a notice or the entire solicitation must also be posted on the Electronic State Business Daily.

Consulting Services Relating to DIR Commodities

The following commodity class and item codes are identified as DIR commodity procurements:

- Class 918-28 Computer Hardware Consulting;
- Class 918-29 Computer Software Consulting;
- Class 918-30 Computer Network Consulting;
- Class 918-46 Feasibility Studies;
- Class 918-90 Strategic Technology Planning and Consulting Services; and
- Class 918-95 Telecommunications Consulting.

New commodity classes and items may be added by TPASS as they are identified. Check the TPASS Web site for a current listing of applicable class and item codes.

Legal Authority:

[Texas Government Code §2254.001](#), 2254.021 and 2155.083