

**LONE STAR COLLEGE SYSTEM DISTRICT
BOARD POLICY MANUAL
Fourth Edition**

- (a) purchase price, including delivery and installation;
- (b) the reputation of the vendor and of the vendor's goods or services;
- (c) the quality of the vendor's goods or services;
- (d) the extent to which the goods or services meet the College's needs;
- (e) the vendor's past relationship with the College;
- (f) the impact on the ability of the College to comply with laws relating to historically underutilized businesses;
- (g) the total long-term cost to the College to acquire the goods or services;
- (h) for a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or vendor's ultimate parent company or majority owner:
 - 1. has its principal place of business in this state; or
 - 2. employs at least 500 persons in this state; and
 - 3. any other relevant factor specifically listed in the request for bids or proposals.

III.D.2.11. Departure from Purchase of Goods and Services Policy

Circumstances may justify a departure from the College's normal competitive process. The Chancellor, with the General Counsel's advice, may expressly approve departures from this policy. Any departure from this policy may not violate applicable law.

III.D.3. Purchase of Professional Services

III.D.3.1 Policy

The Board must approve professional services agreements, excluding legal services, with a value of \$100,000 or more over the contract term. The Chancellor or designee must approve professional services agreements with a value of less than \$100,000 over the contract term.

III.D.3.2. Definitions

(a) **Professional services** means:

- 1. Within the scope of the practice, as defined by state law, accounting, technology, financial, auditing, architecture, landscape architecture, land surveying, medical, optometry, professional engineering, legal, real estate appraising, or professional nursing; or

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2. Provided in connection with the professional employment or practice of a person who is licensed or registered as a certified public accountant, an architect, a landscape architect, a land surveyor, a physician, including a surgeon, an optometrist, a professional engineer, a state certified or state licensed real estate appraiser, or a registered nurse; or
3. Services that (a) require predominantly mental or intellectual, rather than physical or manual skills; (b) require years of education and service for one to attain competence and call for a high order of intelligence, skill and learning; and (c) have widely accepted standards of required study or specified attainments in a special knowledge as distinguished from mere skill.

III.D.3.3. Professional Services Scope

Professional service providers are independent contractors retained to provide certain needed services.

The College procures professional services in accordance with applicable Texas Government Code sections, which require that contracts to procure defined professional services may not be awarded on the basis of competitive bids. Instead, these contracts must be awarded on the basis of demonstrated competence and qualifications to perform the services, so long as the professional fees are for a fair and reasonable price. The price must also: (1) be within the budget for the services; (2) not exceed any maximums provided by state law; and (3) be consistent with, and not higher than, recommended practices and fees published by applicable professional associations.

III.D.3.4. Professional Services Term of Service

The Board may engage a professional services provider for a maximum period of five years, excluding legal services. However, the Board retains the right to terminate the engagement at any time upon due notice, which does not exceed 30-day prior notice. A professional service provider currently under contract is eligible to respond to a request for proposal/qualifications for a subsequent term.

III.D.3.5. Legal Services

The Chancellor or General Counsel may approve legal services agreements. The Board must approve legal services that require retainers of \$100,000 or more or flat fee legal service agreements of \$100,000 or more.

LSCS Policy Manual Section adopted by the Board of Trustees on February 2, 2017

III.E. FACILITIES